JOURNALS

OF THE

SENATE

OF

ALABAMA

EXTRAORDINARY SESSION OF 1942
ORGANIZATIONAL SESSION OF 1943
REGULAR SESSION OF 1943

WITH INDICES PREPARED BY THE
SECRETARY OF THE SENATE

Birmingham Printing Company
State Printers and Binders
Birmingham, Alabama
1943

CORRECTIONS

On page 209 two bills numbered 213. First No. 213 should be numbered 212.

On page 209 in Senate Bill 211, Section 503 should be 508.

On page 300 H. 136 should be H. 316.

On page 362 the date of convening on 22nd day left out. Should read: "Tuesday, May 25, 1943."

On page 405 bill listed as S. 225 should be 255.

On page 598 number left off Senate Joint Resolution. Should be Senate Joint Resolution No. 42.

On page 604 bill numbered S. 92 should be S. 29.

On page 634 heading in center of page, "Message from the Senate," should be "Message from the House."

On page 703 bill numbered H. 469 should be H. 496.

On page 707 all entries are duplicates.

On page 712 bill numbered S. 484 should be H. 484.

On page 748 bill numbered H. 144 should be H. 444.

JOURNAL

OF

THE SENATE

OF THE

STATE OF ALABAMA

EXTRAORDINARY SESSION OF

1942

Held in the City of Montgomery, commencing
Monday, November 16, 1942

VOL. 1

With an index prepared by the
Secretary of the Senate

Birmingham Printing Company
State Printers and Binders
Birmingham, Alabama
1942

JOURNAL

OF THE

SENATE

OF THE

State of Alabama

SPECIAL SESSION, 1942

FIRST DAY

Monday, November 16, 1942.

BE IT REMEMBERED, That on the 4th day of November, 1942, Frank M. Dixon, Governor of the State of Alabama, issued his proclamation in words and figures as follows, to-wit:

A PROCLAMATION BY THE GOVERNOR

WHEREAS, in my opinion an emergency exists requiring the action of the Legislature of Alabama concerning the matters hereinafter specifically mentioned:

NOW, THEREFORE, I, Frank M. Dixon, Governor of the State of Alabama, do hereby call an Extraordinary Session of the Legislature to convene at the Capitol in the Senate Chamber and in the Hall of the House of Representatives on Monday, the 16th day of November, 1942, at Twelve o'clock Noon; and I do hereby designate the following subjects and matters of legislation as those concerning which the action of the Legislature is deemed necessary, namely:

1. To appropriate a sum not in excess of Two Million Dollars to the credit of the Minimum Program Fund for the 1942-43 fiscal year, out of the monies in the State Treasury to the credit of the

Alabama Special Educational Trust Fund for the purpose of extending the State Minimum Term of the several public schools to eight months for the 1942-43 scholastic year, and to provide for its distribution.

2. To enact legislation whereby state, county, and municipal officials, and state employees who are not under the classified service as defined by Chapter 9, Title 55, Code of 1940, may, without vacating their office, enter into the military service of the United States, and to provide for the appointment, authority, and compensation, during the absence of such officials, of temporary acting officials. Such military service to include the Army of the United States, the United States Navy, the Marine Corps, the Coast Guard, the Army Specialist Corps, the Women's Army Auxiliary Corps and the Women's Volunteer Reserve of the United States Navy, those persons commissioned in the Public Health Service, or those persons entering into the service of any similar organization hereafter formed by the Government of the United States, similar to those organizations hereinabove enumerated.

3. To amend Section 76, Title 17, Code of Alabama, 1940.

4. To appropriate money to defray the expenses of the Extraordinary Session of the Legislature hereby called.

5. To provide for the appointment of Interim Committees for the purpose of investigating subjects of future legislation, and to provide for the reports, expenses, and compensation of said committees.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of State to be affixed at the Capitol in the City of Montgomery, on this the 4th day of November, 1942.

(Seal) FRANK M. DIXON,

Governor.

Attest:

JOHN BRANDON,

Secretary of State.

Pursuant to said proclamation, at the hour of 12 o'clock noon, on Monday, the 16th day of November, 1942, the Senators in the Legislature of Alabama assembled in the Senate Chamber.

The Senate was called to order by Senator J. N. Poole, President Pro Tem of the Senate. J. E. Speight, Secretary, was present and acted as such according to law.

PRAYER

By Rev. W. E. Denham, First Baptist Church, Montgomery, Alabama.

CERTIFICATE OF ELECTION

The State of Alabama

Department of State

I, John Brandon, Secretary of State of the State of Alabama, do hereby certify that it appears from the returns of the election held on November 3, 1942, received in this department in accordance with law, that the following named persons were elected to the Senate of Alabama for a term of four years, from the respective senatorial districts as follows:

First District.....Orlan B. Hill
Second District.....Vernon L. St. John
Third District.....Finis E. St. John, Jr.
Fourth District.....Chas. E. Shaver
Fifth District.....J. B. Benson
Sixth District.....Sam High
Seventh District.....Elvin C. McCary
Eighth District.....Kenneth Allison Roberts
Ninth District.....Will O. Walton
Tenth District.....Lee Hornsby
Eleventh District.....Gordon Madison
Twelfth District.....Reuben L. Newton
Thirteenth District.....James A. Simpson
Fourteenth District.....John H. Pinson
Fifteenth District.....Geo. M. Taylor, Jr.
Sixteenth District.....J. Monroe Black
Seventeenth District.....Tully A. Goodwin
Eighteenth District.....T. J. Jones
Nineteenth District.....Gerald Bradford
Twentieth District.....O. D. Carlton
Twenty-first District.....W. W. Garrett
Twenty-second District.....J. Bruce Henderson
Twenty-third District.....Douglas Brown

Twenty-fourth District.....Preston C. Clayton
Twenty-fifth District.....M. N. Dodson
Twenty-sixth District.....Lawrence K. Andrews
Twenty-seventh District.....S. L. Toomer
Twenty-eighth District.....Chas. A. Stakely
Twenty-ninth District.....Lem J. Cobb
Thirtieth District.....E. P. Russell
Thirty-first District.....Jim Smith, Jr.
Thirty-second District.....L. J. Lawson
Thirty-third District.....Vincent F. Kilborn
Thirty-fourth District.....Chas. S. Bentley
Thirty-fifth District.....M. W. Espy

I do further certify that the certificate of election required by law to be furnished by me to the State Senators has been mailed to each member shown to be elected by the returns of election made to this department.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State, at the Capitol, in the City of Montgomery, this the 12th day of November, 1942.

(SEAL) JOHN BRANDON,

Secretary of State.

ROLL CALL

On a call of the roll, the following Senators-elect answered to their names, a quorum of the Senate:

Messrs.:

Andrews	Dodson	Lawson	St. John (Lawrence)
Benson	Epsy	Madison	Shaver
Bentley	Garrett	McCary	Simpson
Black	Henderson	Newton	Stakely
Bradford	High	Pinson	Taylor
Brown	Hill	Roberts	Toomer
Carlton	Hornsby	Russell	Walton
Clayton	Jones	St. John (Cullman)	
Cobb	Kilborn		

—33

OATH OF OFFICE

Upon the request of the President Pro Tem of the Senate, Senator J. N. Poole, the Senators-elect came forward, presented their credentials, and Justice T. S. Lawson, administered to them the oath of office prescribed by the Constitution of the State, and

each Senator-elect came forward and subscribed his name to said oath as follows:

OATH OF OFFICE

"I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama so long as I continue a citizen thereof, and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter to the best of my ability, So help me God."

Lawrence K. Andrews,
J. B. Benson,
Chas. S. Bentley,
J. Monroe Black,
Gerald Bradford,
Douglas Brown,
O. D. Carlton,
P. C. Clayton,
Lem J. Cobb,
M. N. Dodson,
M. W. Espy,
W. W. Garrett,
J. Bruce Henderson,
Sam High,
Orlan B. Hill,
Lee Hornsby,
T. J. Jones,
Vincent F. Kilborn,
L. J. Lawson,
Gordon Madison,
Elvin C. McCary,
Reuben L. Newton,
John H. Pinson,
Kenneth A. Roberts,
Edgar P. Russell,
Finis E. St. John, Jr.,
Vernon L. St. John,
Chas E. Shaver,
James A. Simpson,
Chas. A. Stakely,
Geo. M. Taylor, Jr.,
S. L. Toomer,
Will O. Walton.

OATH OF OFFICE

STATE OF ALABAMA }
COVINGTON COUNTY }

Before me, T. R. Roberts, a Justice of the Peace, in and for said State and County personally appeared Tully A. Goodwin, who being known to me, being first duly sworn on oath, deposes and saith:

I, Tully A. Goodwin, solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama, so long as I continue a citizen thereof; and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter, to the best of my ability, and that I have not directly or indirectly, given, accepted, or knowingly carried a challenge in writing or otherwise, to any person, to fight with deadly weapons either in or out of this State, or aided or

abetted in the same since I have been a citizen thereof; and that I will not, directly or indirectly, give, accept or knowingly carry a challenge to any person to fight with deadly weapons, either in or out of the State, or in any manner aid or abet the same during my continuance in office. So help me God.

TULLY A. GOODWIN.

Subscribed and sworn to before me this 14th day of November, 1942.

(Official Seal) T. R. ROBERTS, J. P.

ELECTION OF OFFICERS

The President Pro Tem and Presiding Officer of the Senate, announced that the next order of business was the election of officers as follows:

President Pro Tem, Secretary, Assistant Secretary, Doorkeeper, Assistant Doorkeeper, Enrolling and Engrossing Clerk, Four Pages and Two Messengers.

ELECTION OF PRESIDENT PRO TEM

Mr. Carlton of Marengo, placed in nomination for President Pro Tem of the Senate, Honorable James A. Simpson of Jefferson:

Those who voted for Mr. Simpson are:

Messrs.:

Andrews	Dodson	Lawson	St. John (Lawrence)
Benson	Epsy	Madison	Shaver
Bentley	Garrett	McCary	Stakely
Black	Henderson	Newton	Taylor
Bradford	High	Pinson	Toomer
Brown	Hill	Roberts	Walton
Carlton	Hornsby	Russell	
Clayton	Jones	St. John (Cullman)	
Cobb	Kilborn		—32

Mr. Simpson having received the entire vote cast, being a majority of the Senate, was declared duly and constitutionally elected President Pro Tem of the Senate for the term prescribed by law.

In the absence of the Lieutenant-Governor, President Pro Tem Poole, appointed Senators Shaver and Henderson as a committee to escort the newly elected President Pro Tem to the Chair.

ELECTION OF SECRETARY OF SENATE

Mr. Stakely of Montgomery, placed in nomination for Secretary of the Senate, J. E. Speight of Montgomery.

Those who voted for Mr. Speight are:

Messrs.:

Andrews	Dodson	Lawson	St. John
Benson	Epsy	Madison	(Lawrence)
Bentley	Garrett	McCary	Shaver
Black	Henderson	Newton	Simpson
Bradford	High	Pinson	Stakely
Brown	Hill	Roberts	Taylor
Carlton	Hornsby	Russell	Toomer
Clayton	Jones	St. John	Walton
Cobb	Kilborn	(Cullman)	

—33

Mr. Speight having received the entire vote cast, being a majority of the Senate, was declared duly and constitutionally elected Secretary of the Senate for the term prescribed bv law.

ELECTION OF ASSISTANT SECRETARY

Mr. Hornsby, of Elmore, placed in nomination for Assistant Secretary, T. L. Austin of Elmore.

Those who voted for Mr. Austin are:

Messrs.:

Andrews	Dodson	Lawson	St. John
Benson	Epsy	Madison	(Lawrence)
Bentley	Garrett	McCary	Shaver
Black	Henderson	Newton	Simpson
Bradford	High	Pinson	Stakely
Brown	Hill	Roberts	Taylor
Carlton	Hornsby	Russell	Toomer
Clayton	Jones	St. John	Walton
Cobb	Kilborn	(Cullman)	

—33

Mr. Austin, having received the entire vote cast, being a majority of the Senate, was declared duly and constitutionally elected Assistant Secretary of the Senate for the term prescribed by law.

ELECTION OF ENROLLING & ENGROSSING CLERK

Mr. Stakely placed in nomination for Enrolling & Engrossing Clerk, Mr. H. A. Thompson.

Those who voted for Mr. Thompson are:

Messrs.:

Andrews	Dodson	Lawson	St. John
Benson	Epsy	Madison	(Lawrence)
Bentley	Garrett	McCary	Shaver
Black	Henderson	Newton	Simpson
Bradford	High	Pinson	Stakely
Brown	Hill	Roberts	Taylor
Carlton	Hornsby	Russell	Toomer
Clayton	Jones	St. John	Walton
Cobb	Kilborn	(Cullman)	

—33

Mr. Thompson, having received the entire vote cast, being a majority of the Senate, was declared duly and constitutionally elected Enrolling and Engrossing Clerk of the Senate for the term prescribed by law.

ELECTION OF DOORKEEPER

Mr. Clayton placed in nomination for Doorkeeper of the Senate, Mr. J. G. Watkins.

Those who voted for Mr. Watkins are:

Messrs.:

Andrews	Epsy	Madison	St. John
Benson	Garrett	McCary	(Lawrence)
Bentley	Henderson	Newton	Shaver
Black	High	Pinson	Simpson
Brown	Hill	Roberts	Stakely
Carlton	Hornsby	Russell	Taylor
Clayton	Jones	St. John	Toomer
Cobb	Kilborn	(Cullman)	Walton
Dodson	Lawson		

—32

Mr. Watkins having received the entire vote cast, being a majority of the Senate, was declared duly and constitutionally elected Doorkeeper of the Senate for the term prescribed by law.

ELECTION OF ASSISTANT DOORKEEPER

Mr. Stakely placed in nomination for Assistant Doorkeeper of the Senate, Mr. R. D. Malone.

Those who voted for Mr. Malone are:

Messrs.:

Andrews	Epsy	Madison	St. John (Lawrence)
Benson	Garrett	McCary	Shaver
Bentley	Henderson	Newton	Simpson
Black	High	Pinson	Stakely
Brown	Hill	Roberts	Taylor
Carlton	Hornsby	Russell	Toomer
Clayton	Jones	St. John (Cullman)	Walton
Cobb	Lawson		
Dodson			

—31

Mr. Malone having received the entire vote cast, being a majority of the Senate, was declared duly and constitutionally elected Assistant Doorkeeper of the Senate for the term prescribed by law.

OATH OF OFFICE

The oath of office prescribed by the Constitution of Alabama was then administered by the President Pro Tem of the Senate to the following officers, to-wit: J. E. Speight, Secretary; T. L. Austin, Assistant Secretary; H. A. Thompson, Enrolling and Engrossing Clerk; J. G. Watkins, Doorkeeper; R. D. Malone, Assistant Doorkeeper.

ELECTION OF MESSENGERS AND PAGES

Mr. Clayton placed in nomination for Messenger, Clarence Norton, Jr.

Mr. Hornsby placed in nomination for Messenger, Jackie Hornsby.

Mr. Russell placed in nomination for Page, Tom Carlton Law.

Mr. Shaver placed in nomination for Page, John David Hall.

Mr. McCary placed in nomination for Page, Emmett B. Weaver.

Mr. Andrews placed in nomination for Page. Jimmy Black.

Those who voted for the election of the above Messengers and Pages are:

Messrs:

Andrews	Dodson	Lawson	St. John
Benson	Epsy	Madison	(Lawrence)
Bentley	Garrett	McCary	Shaver
Black	Henderson	Newton	Simpson
Bradford	High	Pinson	Stakely
Brown	Hill	Roberts	Taylor
Carlton	Hornsby	Russell	Toomer
Clayton	Jones	St. John	Walton
Cobb	Kilborn	(Cullman)	

—33

Each having received a majority vote of the Senate, was declared duly and constitutionally elected Messengers and Pages of the Senate for the term prescribed by law.

RESOLUTIONS

Mr. Shaver offered the following resolution, to wit:

S. R. 1. RESOLVED, that the Rules of the Senate of the 1939 Session of the Legislature of Alabama be and they are adopted as the rules of the Senate for the 1942 Special Session of the Legislature of Alabama: except that Rule 43 shall read as follows:

"43. To aid in the dispatch of business, there shall be four standing committees, upon the following subjects, and to consist of the number herein named, viz:

(1) On Engrossed Bills, to consist of three members.

(2) On Enrolled Bills, to consist of three members.

(3) On Revision of the Journal, to consist of four members, whose duty it shall be to examine in reference to each bill a resolution finally passed by the Legislature and to report whether the Journal contains the entries in reference thereto required by the Constitution.

(4) On Rules, to consist of seven members with the right to report at any time."

and except that Rule 24 shall be omitted.

And be it further resolved that the Committee on Engrossed Bills shall consist of the following, viz: Messrs. Geo. M. Taylor, Jr., Chairman, and M. W. Espy, and John H. Pinson,

And that the Committee on Enrolled Bills shall consist of the following, viz: Messrs. Reuben L. Newton, Chairman, and Monroe Black, and M. N. Dodson:

And that the Committee on Revision of the Journal shall consist of the following, viz: Messrs. Elvin McCary, Chairman, and Sam High, Orlan B. Hill, and J. B. Benson;

And that the Committee on Rules shall consist of the following, viz: Messrs. Simpson, Chairman, and Shaver, Vice Chairman, Toomer, Carlton, Stakely, Kilborn, and Clayton.

And on motion of Mr. Shaver, the rules were suspended and said resolution put upon its immediate passage, and adopted by the Senate.

Yeas, 32; Nays, 0.

Yeas:

Messrs.:

Andrews	Dodson	Madison	St. John (Lawrence)
Benson	Epsy	McCary	Shaver
Bentley	Garrett	Newton	Simpson
Black	Henderson	Pinson	Stakely
Bradford	High	Roberts	Taylor
Brown	Hill	Russell	Toomer
Carlton	Jones	St. John (Cullman)	Walton
Clayton	Kilborn		
Cobb	Lawson		

—32

Nays: —0

Mr. Walton offered the following resolution, to-wit:

S. R. 2. RESOLVED, that the Secretary of the Senate be directed to inform the House of Representatives that the Senate has perfected its permanent organization by the election of the following officers, viz:

Jas. A. Simpson, President Pro Tempore.

J. E. Speight, Secretary.

Tollie Austin, Assistant Secretary.

H. A. Thompson, Enrolling & Engrossing Clerk.

J. G. Watkins, Doorkeeper.

R. D. Malone, Assistant Doorkeeper.

And is ready for the transaction of business.

Which, under a suspension of the rules, was adopted.

Mr. Bentley offered the following joint resolution, to-wit:

S. J. R. 3. RESOLVED by the Senate, the House concurring, that a committee of five, consisting of two members on the part of the Senate, to be appointed as provided by the Rules of the Senate, and three members on the part of the House, to be appointed by the Speaker of the House, be appointed to wait upon the Governor of Alabama, and inform him of the organization of the Legislature of Alabama and its readiness to transact public business.

Which, under a suspension of the rules, was adopted.

Mr. St. John of Lawrence, offered the following resolution, to-wit:

S. J. R. 4. RESOLVED by the Senate, the House concurring, that a joint session of the Senate and House be held at 2:00 o'clock today for the purpose of hearing the message of the Honorable Frank M. Dixon, Governor of Alabama.

RESOLVED FURTHER, that a committee of three from the House, to be appointed by the Speaker of the House, and a committee of two from the Senate, to be appointed as provided by the Rules of the Senate, be named to await upon the Governor and advise him that the two Houses will meet in joint session at the hour named above for the purpose of receiving his message.

And on motion of Mr. St. John, the rules were suspended and the resolution adopted.

Mr. McCary offered the following joint resolution, to-wit:

S. J. R. 5. BE IT RESOLVED by the Senate, the House concurring, that a joint committee be named consisting of two from the Senate, to be named as provided by the rules of that body, and three from the House, to be named by the Speaker of the House, to invite the Governor-Elect of Alabama, the Honorable Chauncey Sparks, to sit with the Legislature at its joint session to receive the Message of the Governor.

And on motion of Mr. McCary, the rules were suspended and the resolution adopted.

Mr. Brown offered the following joint resolution, to-wit:

S. J. R. 6. RESOLVED by the Senate, the House concurring, that the Joint Rules of the two Houses of the Legislature be and they are adopted as the Joint Rules for this, the Special Session of 1942.

And on motion of Mr. Brown, the rules were suspended and said resolution adopted.

Mr. St. John of Cullman offered the following joint resolution, to-wit:

S. J. R. 7. BE IT RESOLVED by the Senate, the House concurring, that a joint committee be named consisting of two from the Senate, to be named as provided by the Rules of that body, and three from the House, to be named by the Speaker of the House, to invite the Lieutenant-Governor-Elect of Alabama, the Honorable L. H. Ellis, to sit with the Legislature at its joint Session to receive the message of the Governor.

Which, under a suspension of the rules, was adopted.

RECESS

At 1:10 P.M., on motion of Mr. Walton, the Senate took a recess until 1:55 this afternoon.

AFTERNOON SESSION—FIRST DAY

Monday, November 16, 1942.

The Senate re-assembled at 1:55 P.M., President Pro Tem, Mr. Simpson, presiding.

ROLL CALL

Present:

Messrs.:

Andrews	Epsy	Madison	St. John (Lawrence)
Benson	Garrett	McCary	Shaver
Bentley	Henderson	Newton	Simpson
Black	High	Pinson	Stakely
Bradford	Hill	Roberts	Taylor
Brown	Hornsby	Russell	Toomer
Carlton	Jones	St. John (Cullman)	Walton
Cobb	Kilborn		
Dodson	Lawson		

—32

MESSAGE FROM THE HOUSE

Mr. President:

The House has perfected its permanent organization by the election of the following officers, to-wit:

Speaker, Geo. O. Miller, of Sumter.

Clerk, R. T. Goodwyn, Jr.

Assistant Clerk, Jno. F. Campbell.

Doorkeeper, W. H. Barnard.

Assistant Doorkeeper, W. M. Blackwell.

Engrossing and Enrolling Clerk, J. W. Kirtland.

And is ready for the transaction of any business.

R. T. GOODWYN, Jr.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Hodo:

H. J. R. 4. Resolved by the House, the Senate concurring, that a committee of five, consisting of two members on the part of the Senate to be appointed as provided by the rules of the Senate, and three members on the part of the House to be appointed by the Speaker of the House, be appointed to wait upon the Governor of Alabama, and inform him of the organization of the Legislature of Alabama and its readiness to transact public business.

And the Speaker named as the Committee on part of the House Messrs. Norman of Bullock, Robertson of Cullman, and Hodo.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, Jr.,
Clerk.

HOUSE MESSAGE

The resolution, H. J. R. No. 4, was read and referred to the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. McGowin:

H. J. R. 5. Resolved by the House, the Senate concurring, that a joint session of the House and Senate be held at 2:00 o'clock today for the purpose of hearing the message of the Honorable Frank M. Dixon, Governor of Alabama.

Resolved further, that a committee of three from the House, to be appointed by the Speaker of the House, and a committee of two from the Senate, to be appointed as provided by the Rules of the Senate, be named to wait upon the Governor and advise him that the two houses will meet in joint session at the hour named above for the purpose of receiving his message.

And the Speaker named as the Committee on part of the House, Messrs. Beebe, Frasier, and Harris.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The resolutios, H. J. R. 6, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Norman of Bullock:

H. J. R. 6. Be it resolved by the House, the Senate concurring, that a joint committee be named consisting of two from the Senate, to be named as provided by the Rules of that body, and three from the House, to be named by the Speaker of the House, to invite the Governor-Elect of Alabama, the Honorable Chauncey Sparks, to sit with the Legislature at its joint Session to receive the Message of the Governor.

And the Speaker named as the Committee on part of the House, Messrs. Bennett of Barbour, Sanderson and Lowe.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The resolution, H. J. R. 6, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate joint resolution:

By Mr. Brown:

S. J. R. 6. Resolved by the Senate, the House concurring, that the Joint Rules of the two Houses of the Legislature of Alabama for the 1939 Regular Session of the Legislature of Alabama be and they are adopted as the Joint Rules for this, the Special Session of 1942.

And returns same herewith to the Senate.

R. T. GOODWYN, JR.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate joint resolution:

By Mr. St. John of Cullman.

S. J. R. 7. Be it Resolved by the Senate, the House concurring, that a joint committee be named consisting of two from the Senate, to be named as provided by the Rules of that body, and three from the House, to be named by the Speaker of the House, to invite the Lieutenant-Governor-Elect of Alabama, the Honorable L. H. Ellis, to sit with the Legislature at its joint Session to receive the Message of the Governor.

Committee on part of the House—Messrs. McGowin, Merrill and Hooton.

And returns same herewith to the Senate.

R. T. GOODWYN, JR.,
Clerk.

RESOLUTIONS

The Rules Committee offered the following resolution, to-wit:

S. R. 8. Resolved, that the following Senators, Messrs. Taylor and Hill, be designated as the Committee on the part of the Senate to notify Lieutenant-Governor-Elect Ellis of the invitation of the Legislature to sit with the joint session of the Houses today.

Which was adopted.

The Rules Committee also offered the following resolution, to-wit:

S. R. 9. Resolved, that the following Senators, Messrs. Andrews and Walton, be designated as the Committee on the part of the Senate to notify the Governor the Legislature is ready to transact business.

Which was adopted.

The Rules Committee also offered the following resolution, to-wit:

S. R. 10. Resolved, that the following Senators, Messrs. Madison and Lawson, be designated as the Committee on the part of the Senate to notify the Governor of the Joint Session at 2 P.M.

Which was adopted.

The Rules Committee also offered the following resolution, to-wit:

S. R. 11. Resolved, that the following Senators, Messrs. Clayton and Roberts, be designated as the Committee on the part of the Senate to invite Gov.-Elect Sparks to sit with the Legislature in Joint Session at 2 P.M. today.

Which was adopted.

REPORT FROM RULES COMMITTEE

Mr. Simpson, President of the Standing Committee on Rules, reported that said committee, in session, had acted on the following resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 4. Relative to informing the Governor that the Legislature is ready for the transaction of business.

And Messrs. Andrews and Walton were named as a committee on the part of the Senate.

And said resolution was then adopted by the Senate.

H. J. R. 5. Relative to joint session and committee to wait upon the Governor.

And Messrs. Madison and Lawson were appointed as committee on the part of the Senate.

And said resolution was then adopted by the Senate.

H. J. R. 6. Relative to appointing a committee to invite Governor-Elect Honorable Chauncey Sparks to sit with the Legislature at its joint session.

And Messrs. Clayton and Roberts were appointed as a committee on the part of the Senate.

And said resolution was then adopted by the Senate.

JOINT SESSION

In accordance with H. J. R. 5, heretofore adopted by the House and concurred in by the Senate, the hour of two o'clock, P.M., having arrived, the Senate and House met in joint session.

The President Pro Tempore of the Senate directed the Secretary of the Senate to call the roll and the following members answered to their names:

Messrs.:

Benson	Garrett	Madison	St. John (Lawrence)
Black	Henderson	McCary	Shaver
Bradford	High	Newton	Simpson
Brown	Hill	Pinson	Taylor
Carlton	Hornsby	Roberts	Toomer
Cobb	Jones	Russell	
Dodson	Kilborn	St. John (Cullman)	
Epsy	Lawson		

—27

The Speaker of the House directed the Clerk of the House to call the roll and the following members answered to their names:

Mr. Speaker	Eddins	Locke	Robinson (Lowndes)
Allen	Edwards	Lowe	Sanders
Ard	Elrod	Maples	Sanderson
Armstrong	Fite	Martin	Segrest
Austin	Frasier	McCurdy	Sessions
Bagley	Gillis	McDonald	Sightler
Barrett	Givhan	McGinty	Smyer
Beebe	Golson (Butler)	McGowin	Snyder
Bennett (Barbour)	Golson (Elmore)	McIlwain	Stell
Bennett (Calhoun)	Green	McPherson	Stewart
Bowling	Gullatt	Merrill	Still
Brantley	Gwin	Molette	Stone
Bryan	Harris	Norman (Bullock)	Sullivan
Byars	Head	Norman (Lowndes)	Taylor
Carnley	Henderson	Owens	Thomas
Carter	Hodges	Payne	Thompson
Chichester	Hodo	Pill	Tidmore
Christopher	Hooton	Pool	Tucker
Coburn	Jackson (Chambers)	Porter (Choctaw)	Walker
Dearman	Jackson (Tallapoosa)	Posey	Ward
Deason	Johnson (Winston)	Pruet	White
Dobbs (Elmore)	Johnson (Mobile)	Rains	Wood
Dobbs (Fayette)	Jones	Robertson (Cullman)	Wright
Duffee	Kirby		

—94

The Hon. Frank M. Dixon, Governor of the State of Alabama, appeared and addressed the joint session of the Legislature of the State of Alabama.

MESSAGE OF THE GOVERNOR

To the Senate and House of Representatives of the State of Alabama:

By agreement between myself and the Honorable Chauncey Sparks, incoming Governor of the State of Alabama, you have been called into Extraordinary Session for the consideration of the subjects and matters of legislation outlined in the proclamation calling you together.

A large number of matters will, of course, have to be considered at your Regular Session beginning in January; but in the joint opinion of Governor-elect Sparks and myself, the matters mentioned in the call are of such pressing nature as not to permit of delay.

In order for the appropriation extending the school etrm to be effective in the present school year, it could not wait until the Regular Session.

Legislation protecting state, county and municipal officials and state employees from loss of place by reason of military service could not be delayed without injustice.

The amendment to Section 76, Title 17, Code of Alabama, 1940, clarifying the date of beginning of the term of the United States Senators from Alabama could not be delayed without possible prejudice to our Senior Senator.

The necessity for the fourth item of the proclamation, namely, the appropriation of money to defray the expenses of the Extraordinary Session is obvious.

The necessity for the fifth item, namely, the provision for the appointment of Interim Committees for the purpose of investigating subjects of future legislation and to provide for the reports, expenses, and compensation of said committees is also obvious.

May I congratulate you on the auspicious beginning of your responsible and difficult duties, and wish for you all that happiness in serving which is the reward of the true servant of the people.

FRANK M. DIXON,
Governor.

The President Pro Tempore then announced the purpose of the joint session having been accomplished, the Senate would retire to its chamber.

At 2:30 P.M., the Senate re-assembled, President Pro Tempore, Mr. Simpson presiding.

ROLL CALL

Present:

Messrs.:

Andrews	Epsy	Madison	St. John (Lawrence)
Benson	Garrett	McCary	Shaver
Bentley	Henderson	Newton	Simpson
Black	High	Pinson	Stakely
Bradford	Hill	Roberts	Taylor
Brown	Hornsby	Russell	Toomer
Carlton	Jones	St. John (Cullman)	Walton
Cobb	Kilborn		
Dodson	Lawson		

—32

Mr. Simpson offered the following resolution, to-wit:

S. J. R. 12. Be it resolved by the Senate, the House concurring, that the Honorable W. Lee O'Daniel, a representative of the State of Texas in the Senate of the United States, a visitor and speaker before the Texas Club of Alabama in Birmingham on Wednesday, be and he is hereby invited to address a joint session of the Legislature of Alabama in the House Chamber at an hour to be fixed by the Speaker of the House and the President of the Senate on Thursday, the 19th day of November, 1942, and that the Secretary of the Senate be instructed to transmit this invitation to Senator O'Daniel.

Which was read and referred to the Standing Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. St. John (Cullman):

S. 1. To permit certain State Officials and employees not in the Classified Service to be in the military service of the United States at a time when there is an existing state of war between the United States of America and any other country, without vacating their office or employment; and to provide for the appointment, authority and Compensation of temporary acting officials during their absence.

Committee on Rules.

By Mr. Shaver:

S. 2. To permit county officials of the State of Alabama to be in the military service of the United States at a time when there

is an existing state of war between the United States of America and any other country, without vacating their office; and to provide for the appointment, authority, and compensation of temporary acting officials during their absence.

Committee on Rules.

By Mr. Walton:

S. 3. To amend Section 76 of Title 17, Code of Alabama, 1940.

Committee on Rules.

By Mr. Simpson:

S. 4. To appropriate Two Million Dollars ($2,000,000) to the credit of the Minimum Program Fund for the 1942-43 fiscal year only, out of the moneys in the State Treasury to the credit of the Alabama Special Educational Trust Fund for the purpose of extending the State minimum term of the several public schools to eight months for the 1942-43 scholastic year, and to provide for its distribution.

Committee on Rules.

By Mr. Andrews:

S. 5. To appropriate One Hundred Fifty Thousand Dollars ($150,000) or so much thereof as may be necessary out of any funds in the State Treasury, not otherwise appropriated to defray the expenses of the Extraordinary Session of the Legislature called in session November 16, 1942.

Committee on Rules.

By Mr. Stakely:

S. 6. To permit certain municipal officials of the State of Alabama to be in the Military Service of the United States at a time when there is an existing state of war between the United States of America and any other country, without vacating their office; and to provide for the appointment, authority, and compensation of temporary acting officials during their absence.

Committee on Rules.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the First Legislative day, and finds same correct and containing all original entries and references thereto required by the Constitution.

ELVIN C. McCARY,
Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was read and on motion of Mr. McCary, said report was concurred in and the Journal of the Senate for the First Legislative day was approved by the Senate.

ADJOURNMENT

At 2:45 P.M., on motion of Mr. Carlton, the Senate adjourned until 10 o'clock tomorrow morning.

SECOND DAY

Tuesday, November 17, 1942.

The Senate met pursuant to adjournment, President Pro Tem, Mr. Simpson presiding.

PRAYER

The session was opened with prayer by Rev. J. E. Northcutt, of the Alabama Conference.

ROLL CALL

Present:

Messrs.:

Andrews	Dodson	Lawson	St. John (Lawrence)
Benson	Epsy	Madison	Shaver
Bentley	Garrett	McCary	Simpson
Black	Henderson	Newton	Stakely
Bradford	High	Roberts	Taylor
Brown	Hill	Russell	Toomer
Carlton	Hornsby	St. John (Cullman)	
Clayton	Kilborn		
Cobb			

—30

JOURNAL

On motion of Mr. Shaver the reading of the Journal of yesterday was dispensed with.

REPORT OF COMMITTEE

Mr. Simpson, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. St. John (Cullman):

S. 1. To permit certain State Officials and employees not in the Classified Service to be in the military service of the United States at a time when there is an existing state of war between the United States of America and any other country, without vacating their office or employment; and to provide for the appointment, authority and compensation of temporary acting officials during their absence.

By Mr. Shaver (with amendment):

S. 2. To permit county officials of the State of Alabama to be in the military service of the United States at a time when there is an existing state of war between the United States of America and any other country, without vacating their office; and to provide for the appointment, authority, and compensation of temporary acting officials during their absence.

By Mr. Walton:

S. 3. To amend Section 76 of Title 17, Code of Alabama, 1940.

By Mr. Simpson:

S. 4. To appropriate Two Million Dollars ($2,000,000) to the credit of the Minimum Program Fund for the 1942-43 fiscal year only, out of the moneys in the State Treasury to the credit of the Alabama Special Educational Trust Fund for the purpose of extending the State minimum term of the several public schools to eight months for the 1942-43 scholastic year, and to provide for its distribution.

By Mr. Andrews:

S. 5. To appropriate One Hundred Fifty Thousand Dollars ($150,000), or so much thereof as may be necessary out of any funds in the State Treasury, not otherwise appropriated, to defray the expenses of the Extraordinary Session of the Legislature called in session November 16, 1942.

By Mr. Stakely (with amendment):

S. 6. To permit certain municipal officials of the State of Alabama to be in the military service of the United States at a time when there is an existing state of war between the United States of America and any other country, without vacating their office; and to provide for the appointment, authority, and compensation of temporary acting officials during their absence.

REPORT FROM RULES COMMITTEE

Mr. Simpson, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 12. Relative to inviting Honorable W. Lee O'Daniel to address the Legislature on November 19, 1942.

And said resolution was then adopted by the Senate.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your standing committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Second Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

ELVIN C. McCARY,
Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was read and on motion of Mr. McCary, said report was concurred in and the Journal of the Senate for the Second Legislative day was approved by the Senate.

ADJOURNMENT

At 10:25 A.M., on motion of Mr. Shaver, the Senate adjourned until tomorrow, November 18th, 1942, at ten o'clock A.M.

THIRD DAY

Wednesday, November 18, 1942.

The Senate met pursuant to adjournment, President Pro Tem, Mr. Simpson, Presiding.

PRAYER

The session was opened with prayer by Dr. P. N. McDonald, Church of Ascension, Montgomery.

ROLL CALL

Present:

Messrs.:

Andrews	Dodson	Madison	St. John (Lawrence)
Benson	Epsy	McCary	Shaver
Bentley	Garrett	Newton	Simpson
Black	Henderson	Pinson	Stakely
Bradford	High	Roberts	Taylor
Brown	Hill	Russell	Walton
Carlton	Hornsby	St. John (Cullman)	
Clayton	Kilborn		
Cobb	Lawson		—31

JOURNAL

On motion of Mr. Cobb, the reading of the Journal of yesterday was dispensed with.

LEAVES OF ABSENCE

On motion of Mr. Carlton, leave of absence was granted Mr. Jones for today.

On motio nof Mr. Carlton, leave of absence was granted Mr. Goodwin for today.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Sessions:

H. J. R. 8. BE IT RESOLVED by the House of Representatives, the Senate concurring, that the Legislature of Alabama does hereby commend the Senators of the United States from this State and other Senators, particularly those from other sections of the Nation, for their magnificent fight against the measure now pend-

ing in Congress which is calculated to destroy our Poll Tax Law, upset our methods of holding elections and seriously effect the friendly relations now existing between the races.

BE IT FURTHER RESOLVED, that the U. S. Senate is hereby earnestly implored not to pass said measure thereby interferring in the Right of the States to fix voting qualifications and destroying the last existing cornerstone of States' rights and local self government.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The resolution, H. J. R. 8, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution:

By Mr. Simpson:

S. J. R. 12. Be it resolved by the Senate, the House concurring, that the Honorable W. Lee O'Daniel, a representative of the State of Texas in the Senate of the United States, a visitor and speaker before the Texas Club of Alabama in Birmingham on Wednesday, be and he is hereby invited to address a joint Session of the Legislature of Alabama in the House Chamber at an hour to be fixed by the Speaker of the House and the President of the Senate on Thursday, the 19th day of November, 1942, and that the Secretary of the Senate be instructed to transmit this invitation to Senator O'Daniel.

And returns same herewith to the Senate.

R. T. GOODWYN, JR.,
Clerk.

BILLS ON THIRD READING

The bill:

S. 1. To permit certain State Officials and employees not in the Classified Service to be in the military service of the United

States at a time when there is an existing state of war between the United States of America and any other country, without vacating their office or employment; and to provide for the appointment, authority and compensation of temporary acting officials during their absence.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment;

Yeas, 30; Nays, 0.

Yeas:

Messrs:

Andrews	Dodson	Madison	St. John (Lawrence)
Benson	Epsy	McCary	Shaver
Bentley	Garrett	Newton	Simpson
Black	High	Pinson	Stakely
Bradford	Hill	Roberts	Taylor
Brown	Hornsby	Russell	Walton
Carlton	Kilborn	St. John (Cullman)	
Clayton	Lawson		
Cobb			—30

Nays: —0

The bill:

S. 2. To permit county officials of the State of Alabama to be in the military service of the United States at a time when there is an existing state of war between the United States of America and any other country, without vacating their office; and to provide for the appointment, authority, and compensation of temporary acting officials during their absence.

Was taken up.

The Standing Committee on Rules offered the following amendment to the bill, to-wit:

Amend S. B. No. 2 by adding after the word "power" in the ninth line of Section 3 the following:

"Subject to the application and limitations of any civil service or merit law under which any said county may be operating."

Which was adopted.

Yeas, 30; Nay, 1.

Yeas:

Messrs.:

Andrews	Cobb	Kilborn	St. John (Cullman)
Benson	Dodson	Lawson	St. John (Lawrence)
Bentley	Epsy	Madison	Shaver
Black	Garrett	McCary	Simpson
Bradford	Henderson	Newton	Stakely
Brown	High	Pinson	Taylor
Carlton	Hill	Roberts	
Clayton	Hornsby	Russell	

—30

Nay: Mr. Walton. — 1

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 31; Nays, 0.

Yeas:

Messrs:

Andrews	Dodson	Madison	St. John (Lawrence)
Benson	Epsy	McCary	Shaver
Bentley	Garrett	Newton	Simpson
Black	Henderson	Pinson	Stakely
Bradford	High	Roberts	Taylor
Brown	Hill	Russell	Walton
Carlton	Hornsby	St. John (Cullman)	
Clayton	Kilborn		
Cobb	Lawson		

—31

Nays: — 0

The bill:

S. 3. To amend Section 76 of Title 17, Code of Alabama, 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas, 31; Nays, 0.

Yeas:

Messrs.:

Andrews	Dodson	Madison	St. John (Lawrence)
Benson	Epsy	McCary	Shaver
Bentley	Garrett	Newton	Simpson
Black	Henderson	Pinson	Stakely
Bradford	High	Roberts	Taylor
Brown	Hill	Russell	Walton
Carlton	Hornsby	St. John (Cullman)	
Clayton	Kilborn		
Cobb	Lawson		

—31

Nays: — 0

The bill:

S. 4. To appropriate Two Million Dollars ($2,000,000) to the credit of the Minimum Program Fund for the 1942-43 fiscal year only, out of the moneys in the State Treasury to the credit of the Alabama Special Educational Trust Fund for the purpose of extending the State minimum term of the several public schools to eight months for the 1942-43 scholastic year, and to provide for its distribution.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 31; Nays, 0.

Yeas:

Messrs.:

Andrews	Dodson	Madison	St. John (Lawrence)
Benson	Epsy	McCary	Shaver
Bentley	Garrett	Newton	Simpson
Black	Henderson	Pinson	Stakely
Bradford	High	Roberts	Taylor
Brown	Hill	Russell	Walton
Carlton	Hornsby	St. John (Cullman)	
Clayton	Kilborn		
Cobb	Lawson		

—31

Nays: — 0

The bill:

S. 5. To appropriate One Hundred Fifty Thousand Dollars ($150,000), or so much thereof as may be necessary out of any funds in the State Treasury, not otherwise appropriated, to defray the expenses of the Extraordinary Session of the Legislature called in session November 16, 1942.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 31; Nays, 0.

Yeas:

Messrs.:

Andrews	Dodson	Madison	St. John (Lawrence)
Benson	Epsy	McCary	Shaver
Bentley	Garrett	Newton	Simpson
Black	Henderson	Pinson	Stakely
Bradford	High	Roberts	Taylor
Brown	Hill	Russell	Walton
Carlton	Hornsby	St. John (Cullman)	
Clayton	Kilborn		
Cobb	Lawson		

—31

Nays: — 0

The bill:

S. 6. To permit certain municipal officials of the State of Alabama to be in the military service of the United States at a time when there is an existing state of war between the United States of America and any other country, without vacating their office; and to provide for the appointment, authority, and compensation of temporary acting officials during their absence.

Was taken up.

The Standing Committee on Rules offered the following amendment to the bill, to-wit:

Amend S. B. No. 6 by placing a comma at end of Section 3 and adding the following:

"Subject to the application and limitations of any civil service or merit law under which any said municipality may be operating."

Which was adopted.

Yeas, 30; Nays, 0.

Yeas:

Messrs.:

Andrews	Brown	Epsy	Hornsby
Benson	Carlton	Garrett	Kilborn
Bentley	Clayton	Henderson	Lawson
Black	Cobb	High	Madison
Bradford	Dodson	Hill	McCary

Newton	Russell	St. John	Simpson
Pinson	St. John	(Lawrence)	Stakely
Roberts	(Cullman)	Shaver	Taylor

—30

Nays: — 0

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 30; Nays, 0.

Yeas:

Messrs.:

Andrews	Cobb	Kilborn	St. John
Benson	Dodson	Lawson	(Lawrence)
Bentley	Epsy	Madison	Shaver
Black	Garrett	McCary	Simpson
Bradford	Henderson	Newton	Stakely
Brown	High	Pinson	Taylor
Carlton	Hill	Roberts	Walton
Clayton	Hornsby	Russell	

—30

Nays: — 0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Beebe:

H. 1. To permit certain State Officials and employees not in the Classified Service to be in the military service of the United States at a time when there is an existing state of war between the United States of America and any other country, without vacating their office or employment; and to provide for the appointment, authority and compensation of temporary acting officials during their absence.

And ordered same sent forthwith to the Senate without engrossment.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing Message from the House was read one time and referred to the appropriate standing committee as follows:

H. 1, to the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Norman of Bullock:

H. 2. To appropriate Two Million Dollars ($2,000,000) to the credit of the Minimum Program Fund for the 1942-43 fiscal year only, out of the moneys in the State Treasury to the credit of the Alabama Special Educational Trust Fund for the purpose of extending the State minimum term of the several public schools to eight months for the 1942-43 scholastic year, and to provide for its distribution.

And ordered same sent forthwith to the Senate without engrossment.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing Message from the House was read one time and referred to appropriate standing committee as follows:

H. B. 2, to the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Rains:

H. 3. To permit certain municipal officials of the State of Alabama to be in the military service of the United States at a time when there is an existing state of war between the United States of America and any other country, without vacating their office: and to provide for the appointment, authority, and compensation of temporary acting officials during their absence.

And ordered same sent forthwith to the Senate without engrossment.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing Message from the House was read one time and referred to appropriate standing committee as follows:

H. 3, to the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Smyer:

H. 4. To permit county officials of the State of Alabama to be in the military service of the United States at a time when there is an existing state of war between the United States of America and any other country, without vacating their office; and to provide for the appointment, authority, and compensation of temporary acting officials during their absence.

And ordered same sent forthwith to the Senate without engrossment.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing Message from the House was read one time and referred to appropriate standing committee as follows:

H. 4, to the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Stone:

H. 5. To appropriate One Hundred Fifty Thousand Dollars ($150,000), or so much thereof as may be necessary out of any funds in the State Treasury, not otherwise appropriated, to defray the expenses of the Extraordinary Session of the Legislature called in session November 16, 1942.

And ordered same sent forthwith to the Senate without engrossment.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing Message from the House was read one time and referred to appropriate standing committee as follows:

H. 5, to the Committee os Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Harris:

H. 6. To amend Section 76 of Title 17, Code of Alabama, 1940.

And ordered same sent forthwith to the Senate without engrossment.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing Message from the House was read one time and referred to appropriate standing committee as follows:

H. 6, to the Committee on Rules.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your standing committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Third Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

ELVIN C. McCARY,
Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was read, and on motion of Mr. McCary, said report was concurred in and the Journal of the Senate for the Third Legislative day was approved by the Senate.

ADJOURNMENT

At 11:30 A.M., on motion of Mr. Shaver, the Senate adjourned until tomorrow at 10 o'clock A.M.

FOURTH DAY

Thursday, November 19, 1942.

The Senate met pursuant to adjournment, President Pro Tem, Mr. Simpson presiding.

PRAYER

The Session was opened with prayer by Rabbi Blachschleger of Temple Beth Or.

ROLL CALL

Present:

Messrs.:

Andrews	Dodson	Kilborn	St. John
Benson	Epsy	Lawson	(Lawrence)
Bentley	Garrett	Madison	Shaver
Black	Henderson	McCary	Simpson
Brown	High	Newton	Stakely
Carlton	Hill	Pinson	Taylor
Clayton	Hornsby	Russell	Walton
Cobb			

—28

JOURNAL

On motion of Mr. Shaver the reading of the Journal of yesterday was dispensed with.

LEAVES OF ABSENCE

On motion of Mr. Newton, leave of absence was granted Mr. Roberts for today.

On motion of Mr. Clayton, leave of absence was granted Mr. St. John of Cullman, for today.

On motion of Mr. Benson, leave of absence was granted Mr. Bradford for today.

REPORT OF COMMITTEE

Mr. Simpson, Chairman of the Standing Committee on Rules. reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable re-

port, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Beebe:

H. 1. To permit certain State Officials and employees not in the Classified Service to be in the military service of the United States at a time when there is an existing state of war between the United States of America and any other country, without vacating their office or employment; and to provide for the appointment, authority and compensation of temporary acting officials during their absence.

By Mr. Norman (Bullock):

H. 2. To appropriate Two Million Dollars ($2,000,000) to the credit of the Minimum Program Fund for the 1942-43 fiscal year only, out of the moneys in the State Treasury to the credit of the Alabama Special Educational Trust Fund for the purpose of extending the State minimum term of the several public schools to eight months for the 1942-43 scholastic year, and to provide for its distribution.

By Mr. Rains:

H. 3. To permit certain municipal officials of the State of Alabama to be in the military service of the United States at a time when there is an existing state of war between the United States of America and any other country, without vacating their office: and to provide for the appointment, authority, and compensation of temporary acting officials during their absence.

By Mr. Smyer:

H. 4. To permit county officials of the State of Alabama to be in the military service of the United States at a time when there is an existing state of war between the United States of America and any other country, without vacating their office; and to provide for the appointment, authority, and compensation of temporary acting officials during their absence.

By Mr. Stone:

H. 5. To appropriate One Hundred Fifty Thousand Dollars ($150,000), or so much thereof as may be necessary out of any funds in the State Treasury, not otherwise appropriated, to defray the expenses of the Extraordinary Session of the Legislature called in session November 16, 1942.

By Mr. Harris:

H. 6. To amend Section 76 of Title 17, Code of Alabama, 1940.

REPORT FROM RULES COMMITTEE

Mr. Simpson, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following resolution, H. J. R. 8, and ordered same returned to the Senate with a favorable report, with amendment, to-wit:

H. J. R. 8. Relative to commending Senators of United States for their fight against measure pending in Congress which is calculated to destroy Poll Tax Law and upset methods of holding election, and to implore the Senate not to pass said measure.

The Rules Committee reported the following amendment, to-wit:

Amend House Joint Resolution No. 8, by striking from line 4 thereof the word "particularly" and substituting therefor the word "including".

On motion of Mr. Stakely, said amendment was adopted.

And the resolution, H. J. R. 8, as thus amended, was then adopted by the Senate.

RESOLUTIONS

Mr. Walton offered the following resolution, to-wit:

S. R. 13. WHEREAS, a complete set of the Code of Alabama, 1940, is on the desk of each member of the Alabama State Senate; and

WHEREAS, each member of the Senate is entitled to a set of said Code of Alabama, 1940; and

WHEREAS, in the Regular Session of the Legislature of Alabama, which will convene in January, 1943, each member of the State Senate will be entitled to a set of the Code of Alabama, 1940; and

WHEREAS, it is the sense of the members of the Alabama State Senate that each Senator have one set of the Code of Alabama, 1940, to be used in the present Extraordinary Session of the Legislature of Alabama in the Regular Session of the Legislature of Alabama which will convene in January, 1943;

THEREFORE, BE IT RESOLVED by the Senate of Alabama, that each Senator retain and take charge of the present Code of Alabama, 1940, which is on the desk of each Senator, and that each Senator either leave his Code on his desk or take the Code

with him to his home or office and bring it back with him to the Regular Session of the Legislature, which will convene in January, 1943, it being the sense of the Senate that only one complete set of the Code of Alabama, 1940, be furnished to each Senator for use in the present Extraordinary Session of the Legislature of Alabama and for the Regular Session of the Legislature of Alabama, which will convene in January, 1943.

And on motion of Mr. Walton, the rules were suspended and said resolution adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution and sends same herewith to the Senate for its consideration:

HOUSE JOINT RESOLUTION NO. 9

By Mr. Norman of Bullock:

H. J. R. 9. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING:

1. That there are hereby created an Interim Committee on Finance and Taxation, an Interim Committee on Education, an Interim Committee on Highways, an Interim Committee on War Emergency Legislation, an Interim Committee on Judiciary, an Interim Committee on Wealth, an Interim Committee on Agriculture, and an Interim Committee on Public Welfare to serve during the interim between the organizational session of the Legislature to be held in January, 1943, and the Regular Session of the Legislature to be held in May, 1943. The members of each Interim Committee shall consist of three members from the Senate to be appointed by the presiding officer of the Senate and eight members from the House of Representatives to be appointed by the Speaker of the House. The Lieutenant Governor of Alabama and the Speaker of the House of Representatives shall be ex-officio members of each committee and shall receive the compensation of a member of a committee. When the members of said interim committees shall have been named as herein provided, the members of each of said committees shall select a chairman and vice-chairman thereof. The members of said committees shall give all the time necessary to carrying out the duties of the committees herein provided for. Each interim committee hereby created shall commence the performance of its duties as soon after the organizational ses-

sion of the Legislature to be held in January, 1943, as may be practicable.

2. The Committee on Finance and Taxation is authorized and it shall be its duty to make a careful study of the financial conditions of the State and the laws having to do with taxation. The Committee on Education is authorized and it shall be its duty to make a careful and proper study of the educational laws and needs of Alabama. The Committee on Highways is authorized and it shall be its duty to make a careful and proper study of the highway laws of the State and the needs of Alabama in connection with the highways. The Committee on War Emergency Legislation is authorized and it shall be its duty to investigate war emergency legislation passed by the other states of the Union and the need of such legislation in Alabama. The Committee on Judiciary is authorized and it shall be its duty to make a careful and proper study of the judicial system, laws and rules of the courts of the State, and other needs of Alabama in this regard. The Committee on Health is authorized and it shall be its duty to make a proper and careful study of the health laws of the State and the needs of Alabama. The Committee on Agriculture is authorized and it shall be its duty to make a careful and proper study of the agricultural laws and needs of Alabama. The Committee on Public Welfare is authorized and it shall be its duty to make a careful and proper study of the welfare laws and needs of Alabama. Each committee shall report its findings and recommendations to the Legislature when it reconvenes in May, 1943.

3. The chairman of each committee, created under this joint resolution, shall be empowered to employ one clerk who shall serve the committee presided over by such chairman, and such clerk shall be paid as provided by Section 13, Title 32, of Code of 1940.

4. The compensation and expenses of the members of said committees shall be the compensation and expenses now provided by law under Section 13, Title 32, Code of 1940. The committees hereby created may remain in session as long as necessary to perform their duties, but, in no event, shall they receive compensation for more than thirty days. The members of said committees shall also receive the same mileage they receive while attending the Legislature but said members of the committee shall not receive mileage more than once. The chairman of each of said committees shall certify to the Comptroller what is due each member or clerk, who must draw his warrant therefor on the State Treasurer.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

On motion of Mr. Madison, the rules were suspended, and the resolution, H. J. R. 9, set out in the foregoing Message from the House, was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following resolution:

H. J. R. 8. Relative to commending Senators of United States for their fight against measure pending in Congress which is calculated to destroy Poll Tax Law and upset methods of holding election, and to implore the Senate not to pass said measure.

R. T. GOODWYN, JR.,
Clerk.

JOINT SESSION

In accordance with S. J. R. 12 heretofore adopted by the Senate and concurred in by the House, the hour of 11:00 o'clock having arrived, the Senate and the House met in joint session.

The President Pro Tem of the Senate directed the Secretary of the Senate to call the roll and the following members answered to their names:

Messrs.:

Andrews	Dodson	Kilborn	St. John
Benson	Epsy	Lawson	(Lawrence)
Bentley	Garrett	Madison	Shaver
Black	Henderson	McCary	Simpson
Brown	High	Newton	Stakely
Carlton	Hill	Pinson	Taylor
Clayton	Hornsby	Russell	Walton
Cobb			

—28

The Speaker of the House directed the Clerk of the House to call the roll and the following members answered to their names:

Mr. Speaker	Bennett (Barbour)	Cobb	Eddins
Allen	Bennett (Calhoun)	Coburn	Edwards
Ard	Black	Cole	Elrod
Armstrong	Bowling	Dearman	Fite
Austin	Brantley	Deason	Frasier
Bagley	Carnley	Dobbs (Elmore)	Gillis
Barrett	Carter	Dodson	Givhan
Beebe	Christopher	Duffee	Golson (Butler)

Golson (Elmore)	Johnson (Winston)	Norman (Bullock)	Sightler
Green	Johnson (Mobile)	Norman (Lowndes)	Smyer
Gullatt	Jones	Payne	Stell
Gwin	Kirby	Pill	Stewart
Hankins	Locke	Pool	Still
Harris	Lowe	Porter (Choctaw)	Stone
Harrison	McCurdy	Posey	Sullivan
Head	McDonald	Pruet	Thomas
Henderson	McGinty	Rains	Tucker
Hodges	McIlwain	Robinson (Lowndes)	Walker
Hooton	McPherson	Sanders	Ward
Jackson (Chambers)	Merrill	Segrest	Wood
Jackson (Tallapoosa)	Molette	Sessions	Wright

—83

Hon. W. Lee O'Daniel, a representative for the State of Texas in the United States Senate, appeared and addressed the joint session of the Legislature of Alabama.

The President Pro Tem then announced the purpose of the joint session having been accomplished the Senate would retire to its chamber.

At 11:45 A.M., the Senate reassembled, President Pro Tem, Mr. Simpson, presiding.

ROLL CALL

Present:

Messrs.:

Andrews	Dodson	Kilborn	St. John
Benson	Epsy	Lawson	(Lawrence)
Bentley	Garrett	Madison	Shaver
Black	Henderson	McCary	Simpson
Brown	High	Newton	Stakely
Carlton	Hill	Pinson	Taylor
Clayton	Hornsby	Russell	Walton
Cobb			

—28

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Fourth Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

ELVIN C. McCARY,
Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was read and on motion of Mr. McCary, said report was concurred in and the Journal of the Senate for the Fourth Legislative day was approved by the Senate.

ADJOURNMENT

At twelve o'clock noon, on motion of Mr. Carlton, the Senate adjourned until ten o'clock tomorrow.

FIFTH DAY

Friday, November 20, 1942.

The Senate met pursuant to adjournment, President Pro Tem, Mr. Simpson presiding.

PRAYER

The session was opened with prayer by Father George Moeller, of Birmingham.

ROLL CALL

Present:

Messrs.:

Andrews	Dodson	Kilborn	St. John
Bentley	Epsy	Lawson	(Cullman)
Black	Garrett	Madison	Shaver
Bradford	Henderson	McCary	Simpson
Brown	High	Newton	Stakely
Carlton	Hill	Pinson	Taylor
Clayton	Hornsby	Roberts	Toomer
Cobb	Jones	Russell	Walton

—31

JOURNAL

On motion of Mr. Hill the reading of the Journal of yesterday was dispensed with.

LEAVES OF ABSENCE

On motion of Mr. Stakely, leave of absence was granted Mr. Benson for today.

On motion of Mr. Carlton, leave of absence was granted Mr. St. John of Lawrence for today.

BILLS ON THIRD READING

The bill:

H. 1. To permit certain State Officials and employees not in the Classified Service to be in the military service of the United States at a time when there is an existing state of war between the United States of America and any other country, without vacating their office or employment; and to provide for the appoint-

ment, authority and compensation of temporary acting officials during their absence.

Was read a third time at length and passed.

Yeas, 30; Nays, 0.

Yeas:

Messrs.:

Andrews	Dodson	Kilborn	St. John
Bentley	Epsy	Lawson	(Cullman)
Black	Garrett	Madison	Shaver
Bradford	Henderson	McCary	Simpson
Brown	High	Newton	Stakely
Carlton	Hill	Pinson	Taylor
Clayton	Hornsby	Russell	Toomer
Cobb	Jones		Walton

—30

Nays: — 0

The bill:

H. 4. To permit county officials of the State of Alabama to be in the military service of the United States at a time when there is an existing state of war between the United States of America and any other country, without vacating their office; and to provide for the appointment, authority, and compensation of temporary acting officials during their absence.

Was read a third time at length and passed.

Yeas, 30; Nays, 0.

Yeas:

Messrs.:

Andrews	Dodson	Kilborn	St. John
Bentley	Epsy	Lawson	(Cullman)
Black	Garrett	Madison	Shaver
Bradford	Henderson	McCary	Simpson
Brown	High	Newton	Stakely
Carlton	Hill	Pinson	Taylor
Clayton	Hornsby	Russell	Toomer
Cobb	Jones		Walton

—30

Nays: — 0

The bill:

H. 6. To amend Section 76 of Title 17, Code of Alabama, 1940.

Was read a third time at length and passed.

Yeas, 30; Nays, 0.

Yeas:

Messrs.:

Andrews	Dodson	Kilborn	St. John (Cullman)
Bentley	Epsy	Lawson	Shaver
Black	Garrett	Madison	Simpson
Bradford	Henderson	McCary	Stakely
Brown	High	Newton	Taylor
Carlton	Hill	Pinson	Toomer
Clayton	Hornsby	Russell	Walton
Cobb	Jones		

—30

Nays: — 0

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama,
Montgomery, Alabama,
Gentlemen:

I have heretofore appointed, while the Senate was not in session, the following named person as a Member of the Board of Trustees of the Alabama Polytechnic Institute:

From the 3rd District—S. L. Toomer, Auburn, Alabama—Succeeding John V. Denson, deceased—For the term expiring in January, 1951.

As this appointment, under the law, must be confirmed by your body, I herewith transmit it to you for such action as you may deem right and proper.

Respectfully,
FRANK M. DIXON,
Governor.

November 20, 1942.

GOVERNOR'S MESSAGE

On motion of Mr. Carlton, the State confirmed the appointment by His Excellency, the Governor, of Hon. S. L. Toomer, as a member of the Board of Trustees of the Alabama Polytechnic Institute.

Yeas, 30; Nays, 0.

Yeas:

Messrs.:

Andrews	Dodson	Kilborn	St. John
Bentley	Epsy	Lawson	(Cullman)
Black	Garrett	Madison	Shaver
Bradford	Henderson	McCary	Simpson
Brown	High	Newton	Stakely
Carlton	Hill	Pinson	Taylor
Clayton	Hornsby	Roberts	Walton
Cobb	Jones	Russell	

—30

Nays: — 0

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama,
Montgomery, Alabama,
Gentlemen:

I have heretofore appointed, while the Senate was not in session, the following named person as a Member of the Board of Trustees of Alabama College, located at Montevallo, Alabama:

From the 8th District—Chas. E. Shaver—Huntsville, Alabama—Succeeding John E. DeLoney, deceased—For the term expiring the third Monday in January, 1947.

As this appointment, under the law, must be confirmed by your body, I herewith transmit it to you for such action as you may deem right and proper.

Respectfully,
FRANK M. DIXON,
Governor.

November 20, 1942.

GOVERNOR'S MESSAGE

On motion of Mr. Walton, the Senate confirmed the appointment by His Excellency, the Governor, of Hon. Chas. E. Shaver, as a member of the Board of Trustees of Alabama College.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Andrews	Dodson	Kilborn	St. John
Bentley	Epsy	Lawson	(Cullman)
Black	Garrett	Madison	Simpson
Bradford	Henderson	McCary	Stakely
Brown	High	Newton	Taylor
Carlton	Hill	Pinson	Toomer
Clayton	Hornsby	Russell	Walton
Cobb	Jones		

—29

Nays: — 0

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama,
Montgomery, Alabama,
Gentlemen:

Under and by virtue of the provisions of Title 35, Section 94, Code of Alabama, 1940, I have heretofore appointed, while the Senate was not in session, the following named person as Major General of the Line, Alabama National Guard:

John C. Persons, Birmingham, Alabama.

As this appointment, under the law, must be confirmed by your body, I herewith transmit it to you for such action as you may deem right and proper.

Respectfully,
FRANK M. DIXON,
Governor.

November 20, 1942.

GOVERNOR'S MESSAGE

On motion of Mr. Carlton, the Senate confirmed the appointment by His Excellency, the Governor, of Hon. John C. Persons, as Major General of the Line, Alabama National Guard.

Yeas, 30; Nays, 0.

Yeas:

Messrs.:

Andrews	Dodson	Kilborn	St. John (Cullman)
Bentley	Epsy	Lawson	Shaver
Black	Garrett	Madison	Simpson
Bradford	Henderson	McCary	Stakely
Brown	High	Newton	Taylor
Carlton	Hill	Pinson	Toomer
Clayton	Hornsby	Russell	Walton
Cobb	Jones		

—30

Nays: — 0

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama,
Montgomery, Alabama,
Gentlemen:

I have heretofore appointed, while the Senate was not in session, the following named person as a Member of the State Board of Pardons and Paroles:

Robert M. Hill, Florence, Alabama—Reappointed for the term expiring September 15, 1947.

As this appointment, under the law, must be confirmed by your body,

I herewith transmit it to you for such action as you may deem right and proper.

Respectfully,
FRANK M. DIXON,
Governor.

November 20, 1942.

GOVERNOR'S MESSAGE

On motion of Mr. Hill, the Senate confirmed the appointment by His Excellency, the Governor, of Hon. Robert M. Hill, as a Member of the State Board of Pardons and Paroles.

Yeas, 30; Nays, 0.

Yeas:

Messrs.:

Andrews	Dodson	Kilborn	St. John
Bentley	Epsy	Lawson	(Cullman)
Black	Garrett	Madison	Shaver
Bradford	Henderson	McCary	Simpson
Brown	High	Newton	Stakely
Carlton	Hill	Pinson	Taylor
Clayton	Hornsby	Russell	Toomer
Cobb	Jones		Walton

—30

Nays: — 0

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama,
Montgomery, Alabama,
Gentlemen:

I have heretofore appointed, while the Senate was not in session, the following named person as a Member of the State Board of Agriculture and Industries:

William Armstrong, Columbia, Alabama—Succeeding J. M. Jenkins, resigned, for the term expiring January 19, 1943.

As this appointment, under the law, must be confirmed by your body, I herewith transmit it to you for such action as you may deem right and proper.

Respectfully,
FRANK M. DIXON,
Governor.

November 20, 1942.

GOVERNOR'S MESSAGE

On motion of Mr. Espy, the Senate confirmed the appointment by His Excellency, the Governor, of Hon. William Armstrong, as a member of the State Board of Agriculture and Industries.

Yeas, 30; Nays, 0.

Yeas:

Messrs.:

Andrews	Dodson	Kilborn	St. John
Bentley	Epsy	Lawson	(Cullman)
Black	Garrett	Madison	Shaver
Bradford	Henderson	McCary	Simpson
Brown	High	Newton	Stakely
Carlton	Hill	Pinson	Taylor
Clayton	Hornsby	Russell	Toomer
Cobb	Jones		Walton

—30

Nays: — 0

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama,
Montgomery, Alabama,
Gentlemen:

I have heretofore appointed, while the Senate was not in session, the following named person as a Member of the State Planning Commission:

R. W. Jennings, Sr., Lanett, Alabama—Succeeding Benjamin Russell, deceased—For the term expiring February 1, 1947.

As this appointment, under the law, must be confirmed by your body, I herewith transmit it to you for such action as you may deem right and proper.

Respectfully,
FRANK M. DIXON,
Governor.

November 20, 1942.

GOVERNOR'S MESSAGE

On motion of Mr. Walton, the Senate confirmed the appointment by His Excellency, the Governor, of Hon. R. W. Jennings, Sr., as a Member of the State Planning Commission.

Yeas, 30; Nays, 0.

Yeas:

Messrs.:

Andrews	Dodson	Kilborn	St. John
Bentley	Epsy	Lawson	(Cullman)
Black	Garrett	Madison	Shaver
Bradford	Henderson	McCary	Simpson
Brown	High	Newton	Stakely
Carlton	Hill	Pinson	Taylor
Clayton	Hornsby	Russell	Toomer
Cobb	Jones		Walton

—30

Nays: — 0

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama,
Montgomery, Alabama,
Gentlemen:

I have heretofore appointed, while the Senate was not in session, the following Members of the State Personnel Board:

Mrs. Albert L. Thomas, Auburn, Alabama—Succeeding Grover C. Hall, deceased—For the term expiring March 8, 1947.

Ed Leigh McMillian, Brewton, Alabama—Succeeding John H. Peach, resigned—For the term expiring March 9, 1945.

As this appointment, under the law, must be confirmed by your body, I herewith transmit it to you for such action as you may deem right and proper.

Respectfully,
FRANK M. DIXON,
Governor.

November 20, 1942.

GOVERNOR'S MESSAGE

On motion of Mr. Carlton, the Senate confirmed the appointments by His Excellency, the Governor, of Mrs. Albert L. Thomas and Hon. Ed. Leigh McMillian, as members of the State Personnel Board.

Yeas, 30; Nays, 0.

Yeas:

Messrs.:

Andrews	Dodson	Kilborn	St. John
Bentley	Epsy	Lawson	(Cullman)
Black	Garrett	Madison	Shaver
Bradford	Henderson	McCary	Simpson
Brown	High	Newton	Stakely
Carlton	Hill	Pinson	Taylor
Clayton	Hornsby	Russell	Toomer
Cobb	Jones		Walton

—30

Nays: — 0

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama,
Montgomery, Alabama,
Gentlemen:

I have heretofore appointed, while the Senate was not in session, the following as Members of the State Board of Education:

From the 2nd District—Earl M. McGowin, Chapman, Alabama—For the term expiring October 1, 1947.

From the 7th District—Dr. J. S. Wittmeier, Oneonta, Alabama—For the term expiring October 1, 1947.

From the 8th District—A. H. Carmichael, Tuscumbia, Alabama—Reappointed for the term expiring October 1, 1947.

As this appointment, under the law, must be confirmed by your body, I herewith transmit it to you for such action as you may deem right and proper.

Respectfully,
FRANK M. DIXON,
Governor.

November 20, 1942.

GOVERNOR'S MESSAGE

On motion of Mr. Hill, the Senate confirmed the appointments by His Excellency, the Governor, of Hon. Earl M. McGowin, Dr. J. S. Wittmeier and Hon. A. H. Carmichael as Members of the State Board of Education.

Yeas, 30; Nays, 0.

Yeas:

Messrs.:

Andrews	Dodson	Kilborn	St. John (Cullman)
Bentley	Epsy	Lawson	Shaver
Black	Garrett	Madison	Simpson
Bradford	Henderson	McCary	Stakely
Brown	High	Newton	Taylor
Carlton	Hill	Pinson	Toomer
Clayton	Hornsby	Russell	Walton
Cobb	Jones		

—30

Nays: — 0

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama,
Montgomery, Alabama,
Gentlemen:

I have heretofore appointed, while the Senate was not in session, the following as Members of the Board of Trustees of the State Training School for Girls:

From the 5th District—Joe Lanier, Lanett, Alabama—For the term expiring May 29, 1947.

From the 6th District—Dr. S. A. Gordon, Marion, Alabama—Reappointed for the term expiring May 29, 1947.

From the 7th District—Robert Rosson, Cullman, Alabama—For the term expiring May 29, 1947.

From the 8th District—Mrs. W. E. Butler, New Hope, Alabama—Reappointment for the term expiring May 29, 1947.

As this appointment, under the law, must be confirmed by your body,

I herewith transmit it to you for such action as you may deem right and proper.

Respectfully,
FRANK M. DIXON,
Governor.

November 20, 1942.

GOVERNOR'S MESSAGE

On motion of Mr. Walton, the Senate confirmed the appointments by His Excellency, the Governor, of Hon. Joe Lanier, Dr. S. A. Gordon, Hon. Robert Rosson and Mrs. W. E. Butler, as Members of the Board of Trustees of the State Training School for Girls.

Yeas, 30; Nays, 0.

Yeas:

Messrs.:

Andrews	Dodson	Kilborn	St. John
Bentley	Epsy	Lawson	(Cullman)
Black	Garrett	Madison	Shaver
Bradford	Henderson	McCary	Simpson
Brown	High	Newton	Stakely
Carlton	Hill	Pinson	Taylor
Clayton	Hornsby	Russell	Toomer
Cobb	Jones		Walton

—30

Nays: — 0

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills and returns same herewith to the Senate:

S. 4. To appropriate Two Million Dollars ($2,000,000) to the credit of the Minimum Program Fund for the 1942-43 fiscal year only, out of the moneys in the State Treasury to the credit of the Alabama Special Educational Trust Fund for the purpose of extending the State minimum term of the several public schools to eight months for the 1942-43 scholastic year, and to provide for its distribution.

Also:

S. 5. To appropriate One Hundred Fifty Thousand Dollars ($150,000), or so much thereof as may be necessary out of any funds in the State Treasury, not otherwise appropriated, to defray the expenses of the Extraordinary Session of the Legislature called in session November 16, 1942

Also:

S. 6. To permit certain municipal officials of the State of Alabama to be in the military service of the United States at a time when there is an existing state of war between the United States of America and any other country, without vacating their office; and to provide for the appointment, authority, and compensation of temporary acting officials during their absence.

R. T. GOODWYN, JR.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House, having signed the following House bills and House joint resolutions, your signature thereto is requested:

H. 1. To permit certain State Officials and employees not in the Classified Service to be in the military service of the United States at a time when there is an existing state of war between the United States of America and any other country, without vacating their office or employment; and to provide for the appointment, authority and compensation of temporary acting officials during their absence.

Also:

H. 4. To permit county officials of the State of Alabama to be in the military service of the United States at a time when there is an existing state of war between the United States of America and any other country, without vacating their office; and to provide for the appointment, authority, and compensation of temporary acting officials during their absence.

Also:

H. 6. To amend Section 76 of Title 17, Code of Alabama, 1940.

Also:

H. J. R. 8. Relative to the magnificent fight by the U. S. Senators against the Poll Tax Law, commending them for it and imploring them not to pass said measure.

Also:

H. J. R. 9. Relative to the creating of Interim Committees to serve during the interim between the organization session of Legislature to be held in January, 1943, and the Regular Session

beginning in May, 1943. To provide for compensation for said services and for clerks for said committees and compensation for said clerks' services.

R. T. GOODWYN, JR.,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, and House Joint Resolutions; the titles of which are set out in the foregoing message from the House.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 4. To appropriate Two Million Dollars ($2,000,000) to the credit of the Minimum Program Fund for the 1942-43 fiscal year only, out of the moneys in the State Treasury to the credit of the Alabama Special Educational Trust Fund for the purpose of extending the State minimum term of the several public schools to eight months for the 1942-43 scholastic year, and to provide for its distribution.

S. 5. To appropriate One Hundred Fifty Thousand Dollars ($150,000), or so much thereof as may be necessary out of any funds in the State Treasury, not otherwise apppropriated, to defray the expenses of the Extraordinary Session of the Legislature called in session November 16, 1942.

S. 6. To permit certain municipal officials of the State of Alabama to be in the military service of the United States at a time when there is an existing state of war between the United States of America and any other country, without vacating their office; and to provide for the appointment, authority, and compensation of temporary acting officials during their absence.

REUBEN L. NEWTON,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama,
Montgomery, Alabama,
Gentlemen:

I have appointed the following as Members of the Board of Trustees of the Alabama Institute for Deaf and Blind, located at Talladega, Alabama:

From the 4th District—Otis R. Burton, Talladega, Alabama—Succeeding W. B. Hardegree, deceased—For the term expiring November 28, 1944.

From the 4th District—J. Craig Smith, Sylacauga, Alabama—For the term expiring November 28, 1946.

From the 4th District—Turner Jones, Talladega, Alabama—Reappointed for the term expiring November 28, 1948.

From the 5th District—J. Herbert Meighan, Gadsden, Alabama—Reappointed for the term expiring November 28, 1946.

From the 6th District—T. B. Ward, Tuscaloosa, Alabama—Reappointed for the term expiring November 28, 1946.

From the 7th District—Chas. R. Wiggins, Jasper, Alabama—For the term expiring November 28, 1946.

From the 8th District—G. Walter Jones, Huntsville, Alabama—Reappointed for the term expiring November 28, 1948.

From the 9th District—Mrs. Wm. M. Rogers, Birmingham, Alabama—For the term expiring November 28, 1948.

As these appointments, under the law, must be confirmed by your body, I herewith transmit them to you for such action as you may deem right and proper.

Respectfully,
FRANK M. DIXON,
Governor.

November 20, 1942.

GOVERNOR'S MESSAGE

On motion of Mr. Roberts, the Senate confirmed the appointment by His Excellency, the Governor, of the Members of the Board of Trustees of the Alabama Institute for Deaf and Blind, set out in the foregoing Message from the Governor.

Yeas, 30; Nays, 0.

Yeas:

Messrs.:

Andrews	Dodson	Lawson	St. John (Cullman)
Bentley	Epsy	Madison	Shaver
Black	Garrett	McCary	Simpson
Bradford	High	Newton	Stakely
Brown	Hill	Pinson	Taylor
Carlton	Hornsby	Roberts	Toomer
Clayton	Jones	Russell	Walton
Cobb	Kilborn		

—30

Nays: — 0

RESOLUTIONS

The Rules Committee reported the following Senate joint resolution, to-wit:

S. J. R. 14. Be it resolved by the Senate, the House concurring: that the Code of Alabama heretofore furnished the members of the two houses and presiding officers be and the same are hereby donated to the several members and presiding officers, and shall become their individual property.

Be it further resolved that the doorkeepers of the two Houses are hereby relieved of any responsibility or accountability for all of said Codes heretofore furnished said members or presiding officers.

On motion of Mr. Shaver said resolution was adopted.

The Rules Committee reported the following resolution, to-wit:

S. J. R. 15. BE IT RESOLVED by the Senate, the House concurring, that a Committee of 2 (two) from the Senate as provided by the rules of the Senate, and 3 (three) members of the House to be appointed by the Speaker of the House, be named to wait upon the Governor of Alabama and inform him that the Legislature has completed its work and is now ready to adjourn, sine die, and awaits any further message that his Excellency, the Governor, may have to send the Legislature.

And the Rules Committee appointed Messrs. Bradford and Dodson as the committee on the part of the Senate.

And on motion of Mr. Kilborn the Resolution, S. J. R. 15, was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has adopted the following House joint resolution:

By Mr. Norman of Bullock:

H. J. R. 11. BE IT RESOLVED BY THE HOUSE, the Senate concurring: That the copies of the Code of Alabama heretofore furnished the members of the two Houses and presiding officers be and the same are hereby donated to the several members and presiding officers, and shall become their individual property.

BE IT FURTHER RESOLVED, that the doorkeepers of the two houses are hereby relieved of any responsibility or accountability for all of said Codes heretofore furnished said members or presiding officers.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

On motion of Mr. Shaver, the rules were suspended, and the Resolution, H. J. R. 11, set out in the foregoing Message from the House was adopted.

To the Senate of Alabama,
Montgomery, Ala.
Gentlemen:

I, E. B. Norton, duly qualified and acting State Superintendent of Education, do hereby certify that the following have been duly elected as Trustees of the University of Alabama, their terms to expire in 1951, and I do hereby request the Senate of Alabama to confirm such election:

The Honorable Archibald H. Carmichael.

The Honorable Charles S. McDowell.

The Honorable Gordon D. Palmer.

E. B. NORTON,
State Superintendent of Education.

On motion of Mr. Madison, the Senate confirmed the election of the following members of the Trustees of the University of Alabama: Hon. Archibald H. Carmichael, Hon. Charles S. McDowell and Hon. Gordon D. Palmer.

Yeas, 31; Nays, 0.

Yeas:

Messrs.:

Andrews	Dodson	Kilborn	St. John (Cullman)
Bentley	Epsy	Lawson	Shaver
Black	Garrett	Madison	Simpson
Bradford	Henderson	McCary	Stakely
Brown	High	Newton	Taylor
Carlton	Hill	Pinson	Toomer
Clayton	Hornsby	Roberts	Walton
Cobb	Jones	Russell	

—31

Nays: — 0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate joint resolution as follows:

By Rules Committee:

S. J. R. 15. BE IT RESOLVED by the Senate, the House concurring, that a Committee of 2 (two) from the Senate as provided by the rules of the Senate, and 3 (three) members of the House to be appointed by the Speaker of the House, be named to wait upon the Governor of Alabama and inform him that the Legislature has completed its work and is now ready to adjourn, sine die, and awaits any further message that his Excellency, the Governor, may have to send the Legislature.

And the Speaker of the House has appointed as the Committee on the part of the House, Messrs. Smyer, Jackson of Chambers and McCurdy.

And returns same herewith to the Senate.

R. T. GOODWYN, JR.,
Clerk.

COMMUNICATION FROM GOVERNOR-ELECT SPARKS

November 20, 1942.

Hon. Jas. A. Simpson, President Pro Tem,
Alabama State Senate,
Montgomery, Alabama.
Dear Senator Simpson:

I wish to extend to the members of the Alabama Legislature my heartiest congratulations for the efficiency and unity of purpose with which they have transacted the business for which they were assembled here at the Capitol during this special session, and to express my most cordial appreciation.

This Legislature has set a record, of which it may justly be proud, for it has devoted its time and effort solely to the enactment of those measures included in the Governor's call, and have accomplished this in the shortest possible time permissible under our Constitution. It is very gratifying to me to know that I shall be privileged to work with this Legislature for the next four years.

I also wish to acknowledge my gratitude to Governor Frank M. Dixon for his cooperation in every detail connected with the calling of this special session of the Legislature.

Cordially yours,
CHAUNCEY SPARKS.

The foregoing communication from Governor-elect Sparks was read and ordered spread upon the Journal.

CALENDAR BILLS INDEFINITELY POSTPONED

On motion of Mr. Shaver, consideration of the following bills, was indefinitely postponed by the Senate.

H. 2. To appropriate Two Million Dollars ($2,000,000) to the credit of the Minimum Program Fund for the 1942-43 fiscal year only, out of the moneys in the State Treasury to the credit of the Alabama Special Educational Trust Fund for the purpose of extending the State minimum term of the several public schools to eight months for the 1942-43 scholastic year, and to provide for its distribution.

H. 3. To permit certain municipal officials of the State of Alabama to be in the military service of the United States at a time when there is an existing state of war between the United States of America and any other country, without vacating their office; and to provide for the appointment, authority, and compensation of temporary acting officials during their absence.

H. 5. To appropriate One Hundred Fifty Thousand Dollars ($150,000), or so much thereof as may be necessary out of any funds in the State Treasury, not otherwise appropriated, to defray the expenses of the Extraordinary Session of the Legislature called in session November 16, 1942.

REPORT OF SECRETARY

TO THE SENATE:

Pursuant to the requirements of Joint Rule No. 5, I respectfully report the following Senate bills of the Special Session, 1942, delivered to the Governor with the date and time of delivery, to-wit:

S. 4. To appropriate Two Million Dollars ($2,000,000) to the credit of the Minimum Program Fund for the 1942-43 fiscal year only, out of the moneys is the State Treasury to the credit of the Alabama Special Educational Trust Fund for the purpose of extending the State minimum term of the several public schools to eight months for the 1942-43 scholastic year, and to provide for its distribution.

Delivered to the Governor November 20, 1942, at 11 A.M.

S. 5. To appropriate One Hundred Fifty Thousand Dollars ($150,000), or so much thereof as may be necessary out of any funds in the State Treasury, not otherwise appropriated, to defray the expenses of the Extraordinary Session of the Legislature called in session November 16, 1942.

Delivered to the Governor November 20, 1942, at 11 A.M.

S. 6. To permit certain municipal officials of the State of Alabama to be in the military service of the United States at a time when there is an existing state of war between the United States of America and any other country, without vacating their office; and to provide for the appointment, authority, and compensation of temporary acting officials during their absence.

Delivered to the Governor November 20, 1942, at 11 A.M.

Respectfully,
J. E. SPEIGHT,
Secretary.

SECRETARY'S REPORT

The foregoing report of the Secretary was read at length and ordered spread upon the Journal.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Fifth Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

ELVIN C. McCARY,
Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was read and on motion of Mr. McCary, said report was concurred in, and the Journal of the Senate for the Fifth Legislative day was approved by the Senate.

ADJOURNMENT

At 1 o'clock P.M., on motion of Mr. Brown, the Senate adjourned sine die.

JAMES A. SIMPSON,
President Pro Tem and Presiding Officer of the Senate.

Attest:
J. E. SPEIGHT,
Secretary

Legislative Days—Extraordinary Session of 1942

LEGISLATIVE DAY—Calendar Day	*Page*
FIRST DAY—November 16th, 1942	3
SECOND DAY—November 17th, 1942	26
THIRD DAY—November 18th, 1942	29
FOURTH DAY—November 19th, 1942	39
FIFTH DAY—November 20th, 1942	47

INDEX

SENATE JOURNAL

SPECIAL SESSION, 1942

AGRICULTURE AND INDUSTRIES—BOARD OF
Wm. Armstrong appointed as member of. Page 52

ALABAMA COLLEGE—MONTEVALLO
Members of Board of Trustees appointed. Page 50

ALABAMA INSTITUTE FOR DEAF AND BLIND
Members of Board of Trustees appointed. Page 59

ALABAMA POLYTECHNIC INSTITUTE
Members of Board of Trustees appointed. Page 49

APPROPRIATIONS
Two million dollars to Minimum Program Fund to provide for eight-month school term. H.B. 2, pages 36, 40, 63
Two million dollars to Minimum Program Fund to provide for eight-month school term. S.B. 4, pages 24, 27, 33, 56, 58, 64
To defray expenses of present Session of Legislature. S.B. 5, pages 24, 27, 33, 56, 58, 64
To defray expenses of present Session of Legislature. H.B. 5, pages 37, 40, 63

CERTIFICATE OF ELECTION
of State Senators. Page 5

CODE AMENDED
TITLE 17—Section 76. S.B. 3, pages 24, 27, 32
TITLE 17—Section 76. H.B. 6, pages 38, 40, 49, 57

COMMITTEES APPOINTED
Standing Committees of Senate for Special Session 1942. SR 1, page 12

COUNTY OFFICIALS
Permitting same to be in Military Service and to provide for temporary officials during their absence. S.B. 2, pages 23, 27, 31
Permitting same to be in Military Service and to provide for temporary officials during their absence. H.B. 4, pages 37, 40, 38, 57

EDUCATION—SUPT. OF—
Communication from—certifying to election of Trustees of University of Alabama. Page 61

EDUCATION—BOARD OF—
Members appointed. Page 54

ELECTION OF OFFICERS
Of Senate. Page 9

ELECTION OF PAGES AND MESSENGERS
Of Senate. Page 11

ELECTION OF PRESIDENT PROTEM
Of Senate. Page 8

GOVERNOR'S MESSAGE
Appointing Member of Board of Agriculture and Industries. Page 52
Appointing Board of Trustees for Alabama College. Page 50
Appointing members of Board of Trustees for Alabama Institute for Deaf and Blind. Page 59
Appointing members of Board of Trustees for Alabama Polytechnic Institute. Page 49
Appointing members of Board of Education. Page 54
Appointing Board of Trustees for Training School for Girls. Page 55

INTERIM COMMITTEE
Creating same. H.J.R. 9, pages 42, 57

JOINT SESSION
To hear address of Governor Frank M. Dixon. Page 20
To hear address of Hon. W. Lee O'Daniel. Page 44

LEGISLATURE
Appropriation for same. S.B. 5. Pages 24, 27, 33, 56, 58, 64
Appropriation for same. H.B. 5, pages 37, 40, 63

MUNICIPAL OFFICIALS
To permit same to serve in Military Service and to provide for temporary officials to serve during their absence. S.B. 6, pages 24, 27, 34, 57, 58, 64
Permitting same to be in Military Service and to provide for temporary officials during their absence. H.B. 3, pages 36, 40, 63

OATH OF OFFICE
Of State Senators. Page 6
Of Officers of Senate. Page 11

PARDON AND PAROLES—BOARD OF
Robert M. Hill appointed as member of. Page 51

PERSONS, JOHN C.
Appointed Major General of the Line, Alabama National Guard. Page 51

PERSONNEL BOARD
Members of appointed. Page 54

PLANNING COMMISSION
R. W. Jennings, Sr., appointed as member of. Page 53

RULES—
Adoption of Senate Rules. Sr 1. Page 12

RULES—JOINT
Adoption of. Page 15

SECRETARY—REPORT OF
Bills delivered to Governor. Page 63

SCHOOLS—
To make an appropriation to provide for eight-month term. S.B. 4, pages 24, 27, 33, 56, 58, 64

To make an appropriation to provide for eight-month term. H.B. 2, pages 36, 40, 63

SPARKS, GOVERNOR-ELECT

COMMUNICATION form. Page 62

STATE EMPLOYEES AND OFFICIALS
Permitting same to be in Military Service and providing for temporary officials during their absence. H.B. 1, pages 35,40, 47, 57
Permitting same to be in Military Service and to provide for temporary officials during their absence. S.B. 1, pages 23, 26, 30

TRAINING SCHOOL FOR GIRLS
Board of Trustees appointed. Page 55

UNIVERSITY OF ALABAMA
Certification of election of Trustees for. Page 61

RESOLUTIONS

SENATE
Adoption of Senate Rules. S.R. 1, page 12
Completion of Organization. S.R. 2, page 13
Committee to notify Lt.-Governor Elect Ellis of Joint Session. S.R. 8
Committee to notify Governor Senate is ready to transact business. S.R. 9, page 19
Committee appointed to notify Governor of Joint Session. S.R. 10, page 19
Committee named to extend invitation to Governor Elect Sparks to sit with Legislature. S.R. 11, page 20
Providing one set of 1940 Code for each Senator. S.R. 13, page 41

LEGISLATURE
Informing Governor of Organization of Legislature. SJR 3, page 14
For Joint Session to hear Governor Frank M. Dixon. SJR 4, page 14
Committee to invite Governor-Elect Sparks to attend Joint Session. SJR 5, page 12
Adoption of Joint Rules. SJR 6, pages 15, 18, 19
Committee to invite Lt.-Governor-Elect Ellis to attend Joint Session. SJR 7, page 15
Hon. W. Lee O'Daniel invited to address Legislature. SJR 12, pages 23, 26, 30, 44
Committee to be named to advise Governor Legislature is ready to adjourn. SJR 15, pages 60, 62
Informing Governor of Organization of Legislature. HJR 4, pages 17, 20
Committee to wait upon Governor for Joint Session. HJR 5, pages 17, 20
Committee to invite Governor-Elect Sparks to sit with Legislature. HJR 6, pages 18, 20
Commending Senators for their fight against Measure in Congress calculated to destroy Poll Tax. HJR 8, pages 29, 41, 44, 57
Creating Interim Committees. HJR 9, pages 42, 57
Giving Codes to members and relieving door keepers of responsibility. HJR 11, page 61

JOURNAL

OF THE

SENATE

OF

ALABAMA

ORGANIZATIONAL SESSION OF 1943

HELD IN THE CITY OF MONTGOMERY, COMMENCING
TUESDAY, JANUARY 12, 1943



WITH AN INDEX PREPARED BY THE
CLERK OF THE SENATE

Birmingham Printing Company
State Printers and Binders
Birmingham, Alabama
1943

JOURNAL

OF

THE SENATE

OF THE

STATE OF ALABAMA

ORGANIZATIONAL SESSION

FIRST DAY

Tuesday, January 12th, 1943.

This being the second Tuesday in January, A.D., 1943, and the day fixed by law and the Constitution of the State of Alabama for the biennial meeting of the Legislature of Alabama:

The Senate of Alabama assembled in the Senate Chamber in the City of Montgomery, at the Capitol, at 12 o'clock Noon, and was called to order by J. E. Speight, Secretary.

PRAYER

The session was opened with prayer by Dr. W. E. Denham, of the First Baptist Church of Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Dodson	Jones	St. John (Cullman)
Benson	Espy	Kilborn	St. John (Lawrence)
Bentley	Garrett	Lawson	Shaver
Black	Goodwin	Madison	Simpson
Bradford	Henderson	McCary	Taylor
Brown	High	Newton	Toomer
Carlton	Hill	Pinson	Walton
Cobb	Hornsby	Russell	

—30

ELECTION OF PRESIDENT PRO TEM

The Secretary of the Senate announced that the next order of business was the election of President Pro Tem of the Senate.

Mr. Carlton placed in nomination for President Pro Tem of the Senate, Mr. Simpson of Jefferson.

Those who voted for Mr. Simpson were:

Messrs.:	Espy	Jones	Russell
Benson	Garrett	Kilborn	St. John (Cullman)
Bentley	Goodwin	Lawson	St. John (Lawrence)
Bradford	Henderson	Madison	Shaver
Brown	High	McCary	Taylor
Carlton	Hill	Newton	Toomer
Cobb	Hornsby	Pinson	Walton
Dodson			

—28

Mr. Simpson, having received the entire vote cast, which was a majority of the Senate, was declared duly and constitutionally elected President Pro Tem of the Senate for the term prescribed by law.

OATH OF OFFICE

Whereupon Mr. Simpson came forward and was delivered the Oath of Office by Judge R. T. Simpson, as follows:

"I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama so long as I continue a citizen thereof, and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter to the best of my ability. So help me, God."

Thereupon President Pro-tem, Mr. Simpson, took the chair.

ELECTION OF OFFICERS

Mr. Simpson announced that the next order of business was the election of Secretary of the Senate.

Mr. Goodwin placed in nomination for Secretary of Senate, J. E. Speight, of Montgomery.

Those who voted for Mr. Speight were:

Messrs.:	Brown	Espy	High
Benson	Carlton	Garrett	Hill
Bentley	Cobb	Goodwin	Hornsby
Bradford	Dodson	Henderson	Jones

Kilborn	Newton	St. John (Lawrence)	Taylor
Lawson	Pinson	Shaver	Toomer
Madison	Russell	Simpson	Walton
McCary	St. John (Cullman)		—29

Mr. Speight, having received the entire vote cast, which was a majority of the Senate, was declared duly and constitutionally elected Secretary of the Senate for the term prescribed by law.

ELECTION OF ASSISTANT SECRETARY

Mr. Hornsby placed in nomination for Assistant Secretary of the Senate, T. L. Austin of Elmore.

Those who voted for Mr. Austin were:

Messrs.:	Espy	Kilborn	St. John (Cullman)
Benson	Garrett	Lawson	St. John (Lawrence)
Bentley	Goodwin	Madison	Shaver
Bradford	Henderson	McCary	Simpson
Brown	High	Newton	Taylor
Carlton	Hill	Pinson	Toomer
Cobb	Hornsby	Russell	Walton
Dodson	Jones		—29

Mr. Austin having received the entire vote cast, which was a majority of the Senate, was declared duly and constitutionally elected Assistant Secretary of the Senate for the term prescribed by law.

ELECTION OF ENROLLING-ENGROSSING CLERK

Mr. Walton placed in nomination for Enrolling-Engrossing Clerk of the Senate, Mr. H. A. Thompson of Jefferson.

Those who voted for Mr. Thompson were:

Messrs.:	Dodson	Jones	St. John (Cullman)
Benson	Espy	Kilborn	St. John (Lawrence)
Bentley	Garrett	Lawson	Shaver
Black	Goodwin	Madison	Simpson
Bradford	Henderson	McCary	Taylor
Brown	High	Newton	Toomer
Carlton	Hill	Pinson	Walton
Cobb	Hornsby	Russell	—30

Mr. Thompson, having received the entire vote cast, which was a majority of the Senate, was declared duly and constitutionally elected Enrolling-Engrossing Clerk of the Senate for the term prescribed by law.

ELECTION OF DOORKEEPER

Mr. Madison placed in nomination for Doorkeeper of the Senate, Mr. J. G. Watkins of Barbour.

Those who voted for Mr. Watkins were:

Messrs.:	Dodson	Jones	St. John (Cullman)
Benson	Espy	Kilborn	St. John (Lawrence)
Bentley	Garrett	Lawson	Shaver
Black	Goodwin	Madison	Simpson
Bradford	Henderson	McCary	Taylor
Brown	High	Newton	Toomer
Carlton	Hill	Pinson	Walton
Cobb	Hornsby	Russell	—30

Mr. Watkins having received the entire vote cast, which was a majority of the Senate, was declared duly and constitutionally elected Doorkeeper of the Senate for the term prescribed by law.

ELECTION OF ASSISTANT DOORKEEPER

Mr. Hill placed in nomination for Assistant Doorkeeper, Mr. R. D. Malone:

Those who voted for Mr. Malone were:

Messrs.:	Dodson	Jones	St. John (Cullman)
Benson	Espy	Kilborn	St. John (Lawrence)
Bentley	Garrett	Lawson	Shaver
Black	Goodwin	Madison	Simpson
Bradford	Henderson	McCary	Taylor
Brown	High	Newton	Toomer
Carlton	Hill	Pinson	Walton
Cobb	Hornsby	Russell	—30

Mr. Malone having received the entire vote cast, which was a majority of the Senate, was declared duly and constitutionally elected Assistant Doorkeeper of the Senate for the term prescribed by law.

LEAVES OF ABSENCE

On motion of Mr. Taylor, indefinite leave of absence was granted Senators Clayton, Roberts and Andrews.

RESOLUTION

Mr. Shaver offered the following resolution to-wit:

S. R. 1. Resolved by the Senate that the Presiding Officer of the Senate name the following:
Jackie Hornsby, Messenger,

Clarence Norton, Jr., Messenger,
Tom Carlton Law, Page,
John David Hall, Page
Emmett B. Weaver, Page,
Jimmie Black, Page,
for this Organizational Session and all Regular and Extraordinary Sessions of this Senate.

Which was adopted.

OATH OF OFFICE

The oath of office prescribed by the Constitution and laws of the State of Alabama was then administered by the President Pro Tem and Presiding Officer of the Senate to the following officers of the Senate, to-wit:

J. E. Speight, Secretary; T. L. Austin, Assistant Secretary; H. A. Thompson, Enrolling and Engrossing Clerk; J. G. Watkins, Doorkeeper; R. D. Malone, Assistant Doorkeeper.

RESOLUTION

Mr. Shaver offered the following Senate resolutions, to-wit:

S. R. 2. BE IT RESOLVED, That the Senate do now adopt the Senate rules of the regular session of 1939 as the rules which shall govern this Senate at this, the organization session, and at all other regular and special sessions with the following exception, viz:

1. Rule 31 shall read as follows: All committees of the Senate shall be named by the presiding officer.

Rule 56 shall read as follows: The Secretary of the Senate shall cause to be printed for the use of each Senator and each Senator shall promptly execute a form, on which shall appear a place for the signature of such Senator and above it a statement: Of the names and addresses of each, if any, public utility, public service, or quasi-public corporation, and any other person, firm or corporation engaged in any business or industry, subject to regulation by the Alabama Public Service Commission, with which the Senator may now, or at any time within one year prior to the convening of the Senate in regular biennial session have been connected as agent, employee, officer, director or attorney, or from which he receives, or has during such time received, compensation, direct or indirect, or has received a pass or rate concession or reduction, of any nature whatsoever. If no such connection exists a statement to that effect

shall be made. Executed forms, and an unfilled form bearing the Senator's name for each Senator failing to execute a form shall be bound in alphabetical order in a permanent volume on or before the Fifth Legislative Day of the regular biennial session hereafter and kept, open to public inspection in the office of the Secretary of the Senate while the Senate is in session, and thereafter deposited with the permanent records of the Legislature.

Which was adopted.

RULES OF THE SENATE OF ALABAMA

In accordance with Senate Resolution No. 2, adopted by the Senate, the following were adopted as the Rules of the Senate for this, the Organizational Session, all Regular Sessions and any Extraordinary Sessions of this Legislature.

RULE 1. The President having taken the Chair, and a quorum being present, the journal of the preceding day shall be read, to the end and any mistakes may be corrected that shall be made in the entry.

2. Every Senator, when he speaks, shall address the Chair, standing in his place, and when he has finished, shall sit down.

3. No Senator shall speak more than twice on any question under debate, and shall not consume more than one hour at each time, without leave of the Senate; but the originator of the pending question, or chairman of the committee reporting the measure, shall have the right to conclude the debate, which right cannot be cut off by motion to table, the originator of the pending question to have precedence.

4. When two or more Senators rise at the same time, the President shall name the Senator who is to speak first.

5. When a Senator shall be called to order by the President, or a Senator, he shall sit down; and every question of order shall be decided by the President, without debate, subject to an appeal to the Senate, and the President may call for the sense of the Senate on any question of order.

6. If a Senator be called to order by a Senator for words spoken, the exceptional words shall immediately be taken down in writing by the Secretary, that the President may be better enabled to judge of the matter.

7. No Senator shall absent himself from the service of the Senate, for as long as one day, without leave of the Senate first obtained. In case a less number than a quorum of the Senate shall convene, they are hereby authorized to send the Doorkeeper, or

any other person by them authorized, for any or all absent Senators, as the majority of the Senators present shall agree, at the expense of such absent Senator unless such excuse for non-attendance of such Senator shall be paid out of the contingent fund.

8. When a motion shall be made, it shall be reduced to writing, if desired by the President, or any Senator, delivered at the table, and read, before the same shall be debated.

9. When a question is under debate, no motion shall be received but:

To adjourn,
To adjourn to a day certain,
To lay on the table,
To postpone indefinitely.
To postpone to a certain day,
To committ, or
To amend;

which several motions shall have precedence, in the order they stand arranged, and the motion for adjournment shall always be in order, and be decided without debate.

10. If the question in debate contains several points any Senator may vote for a division, but on a motion to strike out and insert, it shall not be in order to move for a division of the question; but the rejection of a motion to strike out and insert one proposition, shall not prevent a motion to strike out and insert a different proposition, nor prevent a subsequent motion simply to strike out, prevent a subsequent motion to strike out and insert.

11. In filling blanks, the largest sum and longest time shall be put first.

12. When the reading of any paper is called, for and the same is objected to by any Senator, it shall be determined by a vote of the Senate, and without debate.

13. The unfinished business in which the Senate was engaged at the last preceding adjournment shall have the preference in the special orders of the day.

14. When the yeas and nays shall be called for by one-tenth of the Senators present, each Senator called upon shall, unless for special reasons he be excused by the Senate, declare openly and without debate, his assent or dissent to the question. In taking the yeas and nays, and upon the call of the Senate, the names of the Senators shall be called alphabetically.

15. When the yeas and nays shall be taken upon any question, in pursuance of the above rule, no Senator shall be permitted, under any circumstances whatever, to vote after the decision is announced from the Chair.

16. All motions to go into executive session shall be decided without debate.

17. All joint resolutions, except those which require immediate action, shall be referred to the Committee on Rules, before they shall be considered by the Senate.

18. No motion shall be deemed in order to admit any person whomsoever within the doors of the Senate chamber, to present any petition, memorial or address, or to have any such read.

19. When a question has been made and carried in the affirmative or negative, it shall be in order for any Senator of the majority to move for the re-consideration thereof; but no motion for re-consideration of any vote shall be in order after a bill, resolution, message, report, amendment or motion, upon which the vote was taken, shall have gone out of the possession of the Senate, announcing its decision; nor shall any motion for re-consideration to be in order, unless made on the same day on which the vote was taken, or by 12 o'clock the next day; or one hour after the Senate convenes, if after 12 o'clock.

20. All questions shall be put by the President of the Senate, and the Senators shall signify their assent or dissent by answering their yea or nay.

21. The President of the Senate shall have the right to name a Senator to perform the duties of the Chair, but such a substitution shall not extend beyond adjournment.

22. After reading the Journal, business shall be called in the following order:

1st. Signing of bills by President,
2nd. Call of Districts,
3rd, House Messages,
4th, Reports from Standing Committees,
5th, Reports from Select Committees,
6th, Motions and Resolutions,
7th, Bills on Third Reading,
8th, Regular order of the day at 12 M.,
9th, Miscellaneous business.

The Committee on Enrolled and Engrossed Bills, and on Journal may report at any time.

This order of the business cannot be set aside except by a majority vote of the Senate, upon a resolution, previously considered and reported by the Committee on Rules.

When reports of Standing Committees are in order the Committee shall be entitled to the floor, last occupying it when the reports were in order.

These rules shall not interfere with special orders for particular days, or special orders for the Senate.

Special orders shall be called at the hour of 12 o'clock unless specially set for some other hour; and a motion for a special order, if objected to, shall be first referred to and reported from the committee on Rules.

Under call of the districts, only bills, petitions, memorials, or resolutions which are to be referred to a committee, shall be introduced, and every bill, petition, memorial or other papers shall upon the first reading thereof, be referred by the President to the Standing Committee having the subject matter thereof under consideration unless the Senate by a majority vote, order otherwise, And before any petition or memorial addressed to the Senate shall be received and read at the table, a brief statement of the contents of the petition or the memorial shall be made verbally by the introducer.

23. Every bill shall receive three readings previous to its being passed; and the President shall give notice at each reading of a bill whether it be the first, second or third, which reading shall be on three different days. And no bill shall become a law until it shall have been referred to a standing committee, acted upon by such committee in session, and returned therefrom, which fact shall affirmatively appear upon the journal of the Senate, and upon its final passage read at length, and the vote taken by yeas and nays, and the names of the Senators voting for and against the same be entered on the journal.

24. All bills carrying appropriations whether previously referred to another committee, shall be referred to the Committee on Finance and Taxation and reported therefrom.

25. The Presiding Officer of the Senate shall in the presence of the Senate, sign all bills and joint resolutions passed by the Legislature, after the same shall have been publicly read at length immediately before signing, and the fact of reading and signing shall be entered upon the journal; but the reading at length may be dispensed with by a two-thirds vote of a quorum present, which fact shall also be entered on the journal. And all the resolutions proposing amendments to the Constitution or to which the approbation or signature of the President may be requisite or which may grant money out of the contingent fund shall be treated in all respects in the introduction and form of proceedings thereon in the Senate in a similar manner with bills.

26. Bills on first reading shall be referred to a committee, and shall be read a second time when returned from the committtee on any subsequent day.

27. The final question, upon the third reading of every bill, resolution, constitutional amendment, or motion originating in the Senate, and requiring three readings previous to its being passed, shall be, "whether it shall be engrossed and read a third time," and no amendment shall be received for discussion after the third reading of any bill, resolution, amendment or motion, unless by unanimous consent of the members present; but it shall at all times be in order, before the final passage of any such bill, resolution, constitutional amendment or motion, to move its commitment, and if such commitment take place and any amendment be reported by the committee, the said bill, resolution, constitutional amendment or motion shall be again read a second time, and then the aforesaid question shall be put.

28. The special orders of the day shall not be called by the Chair before 12 o'clock, unless otherwise directed by the Senate.

29. The title of bills and such parts thereof only as shall be effected by proposed amendments shall be inserted on the journals.

30. The proceedings of the Senate, when not in committee of the whole shall be entered on the journal as concisely as possible, care being taken to detail a true and accurate account of its proceedings; but every vote of the Senate shall be entered on the journal, and a brief statement of the contents of each petition, memorial or paper presented to the Senate, shall be inserted on the journal.

31. All committees of the Senate shall be named by the presiding officer.

32. When motions are made for reference of the same subject to a select committee, and to a standing committee, the question on reference to the standing committee shall be first put.

33. That all Executive messages be considered with open doors unless otherwise requested in said messages, or otherwise ordered by a vote of the Senate.

34. The Committee on Rules may at any time report a special rule that debate on a pending measure shall cease at a certain hour, and a vote be taken on the measure. The consideration of such special rule shall not exceed thirty minutes, when a vote shall be taken thereon.

35. When any question may have been decided by the Senate, in which more than a majority of the Senators present are necessary to carry the affirmative, any Senator who votes on that side which prevailed in the question, may be at liberty to move for a reconsideration, and a motion for a reconsideration shall be decided by a majority of votes.

36. Messages shall be sent to the House of Representatives by the Secretary, who shall previously endorse the final determination of the Senate thereon.

37. Messages may be introduced in any stage of business, except while a question is being put, while the yeas and nays are being called, or while the ballots are being counted.

38. Press reporters shall be placed on the floor of the Senate by the Secretary, or under his direction.

39. The presiding officer of the Senate shall have the regulation and control of such parts of the capitol, and of its passages, as are or may be set apart for the use of the Senate and its officers.

40. Persons admitted on the floor of the Senate chamber while the Senate is in session: Members and former members of the Legislature, officers and employes of the Two Houses, the Governor and his Secretary, representatives of the press, other persons to whom the Senate by unanimous vote may extend the privilege of its floor.

41. No smoking shall be allowed in the Senate Chamber, except by members, officers and newspaper reporters.

42. The time of meeting of the Senate each day shall be 10 oclock A. M. except on Monday, on which it shall convene at 12 o'clock noon; and in all cases, upon the adjournment of the Senate, the Secretary shall enter on the journal the hour of adjournment, and the name of the member on which motion adjournment was had.

43. To aid in the dispatch of business there shall be thirty standing committees, upon the following subjects, and to consist of the number herein named.

1. On the Judiciary, to consist of seventeen members.
2. On Constitution and Constitutional Revision and Amendments, to consist of thirteen members.
3. On Finance and Taxation, and contingent fund, to consist of fifteen members.
4. On Banking to consist of nine members.
5. On Insurance to consist of seven members.
6. On Public Welfare and Correctional Institutions, to consist of nine members.
7. On Corporations, to consist of six members.
8. On Local Legislation, to consist of seven members.
9. On Education, to consist of twenty members.
10. On Commerce and Common Carriers, to consist of seven members.
11. On Mining and Manufacturing, to consist of nine members.
12. On Agriculture, to consist of eleven members.

13. On Municipalities and Municipal Organizations, including charitable institutions, to consist of nine members.

14. On Counties and County Boundaries, to consist of five members.

15. On Immigration and Industrial Resources, to consist of five members.

16. On Public Buildings and Grounds, to consist of three members.

17. On Privileges and Elections, including grievances, inabilities and registration, to consist of eleven members.

18. On Printing, to consist of five members.

19. On Public Health, to consist of five members.

20. On Military, to consist of seven members.

21. On Temperance, to consist of nine members.

22. On Engrossed Bills, to consist of three members.

23. On Enrolled Bills, to consist of three members.

24. On Revision of the Journal, to consist of four members, members, whose duty it shall be to examine in reference to each bill or resolution finally passed by the Legislature and report whether the Journal contains the entries in reference thereto required by the Constitution.

25. On Public Roads and Highways, to consist of fifteen members.

26. On Fish and Game, to consist of ten members.

27. On Forestry and Conservation, to consist of ten members.

28. On Rules, to consist of seven members with the right to report at any time.

29. On Seaports to consist of seven members.

30. On Aviation and Traffic, to consist of seven members.

44. Bills on third reading postponed to a day certain shall take precedence on such day, and from day to day.

45. No discussion or debate shall be allowed while a vote is being taken, except by unanimous consent of the Senate.

46. A motion to lay on the table amendment or substitute shall not carry with it the original bill, resolution or proposition.

47. The Secretary of the Senate is required to furnish daily to the members of the Senate a printed calendar of all bills and resolutions intended to have the force of laws on third reading in the order in which they are entitled to consideration.

48. When a committee has decided adversely to any bill or resolution, such action shall be indorsed thereon under Rule 53, and said bill forthwith delivered to the Secretary of the Senate who shall note the unfavorable report on the register or docket of bills, and keep and print a calendar of same, adding bills from

day to day without reprinting. Any Senator may, after one day's written notice on the day named in said notice after the call of standing committees move the reading of such bill or resolution when the same may, by a vote of a majority of the entire Senate, be read by its title a second time and placed on the calendar. Only 6 minutes to the side shall be allowed for the discussion of such motion—which may be divided as the Senators favoring and opposing the same may agree for their respective sides.

49. No motion to suspend, modify or amend any rule or any part thereof, shall be in order except on one day's notice in writing, specifying precisely the rule or part thereof, proposed to be suspended, modified or amended and the purpose thereof; and before any vote shall be taken on such motion, it shall be first referred to the Committee on Rules, and said committee must report thereon; but any rule may be suspended by unanimous consent of the Senate, and alterations of the rules shall be decided by a majority vote.

50. All resolutions shall be referred to and reported from the Committee on Rules before consideration by the Senate; provided, that this shall not apply to resolutions requiring immediate consideration.

51. The Secretary of the Senate in the keeping of the journal shall, on the introduction of a bill, make an entry as follows:

"INTRODUCTION OF BILLS"

Upon a call of districts, bills were introduced, severally read once and referred to appropriate standing committees as follows:

Setting out the number and title of the bill.

Committee on.....

52. When a bill shall be returned from a standing committee of the Senate, the Secretary shall make the journal read:

"Mr....., Chairman of the Standing Committee on....., reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a.....and they were severally read a second time and placed on the calendar, to-wit:"

53. When a bill has been acted upon by a standing committee, of the Senate, the Chairman shall endorse on said bill.

"This bill was referred to the standing committee of the Senate on.....and was acted upon by such committee in session and is by order of the committee returned therefrom with.....

This.....day of....., 194.....

Chairman.....

54. That the Secretary of the Senate will provide the Chairman of each standing committee with a stamp with which to make such endorsements.

55. On the signing of bills the Secretary shall make the Journal read:

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing (Message from the House), or (Report from the Committee on Enrolled Bills), as the case may be.

2. That the said rules together with the joint rules of the Senate and House, the Standing Committees of the Senate and House, the names and titles of the officers of the Senate and House and the names and addresses of the members of the Senate and House be printed and distributed among the members of the Senate.

56. The Secretary of the Senate shall cause to be printed for the use of each Senator and each Senator shall promptly execute a form, on which shall appear a place for the signature of such Senator and above it a statement: Of the names and addresses of each, if any, public utility, public service, or quasi-public corporation, and any other person, firm or corporation engaged in any business or industry, subject to regulation by the Alabama Public Service Commission, with which the Senator may now, or at any time within one year prior to the convening of the Senate in regular biennial session have been connected as agent, employee, officer, director or attorney, or from which he receives, or has during such time received, compensation, direct or indirect, or has received a pass or rate concession or reduction, of any nature whatsoever. If no such connection exists a statement to that effect shall be made. Executed forms, and an unfilled form bearing the Senator's name for each Senator failing to execute a form shall be bound in alphabetical order in a permanent volume on or before the Fifth Legislative Day of the regular biennial session hereafter and kept, open to public inspection in the office of the Secretary of the Senate while the Senate is in session, and thereafter deposited with the permanent records of the Legislature.

57. The President may appoint three members of the Senate to give written permission for privilege of the floor to persons not otherwise entitled to same, and such certificate shall only be good

the day it is written, and no person shall be allowed to lobby in the Senate Chamber while the Senate is in Session.

RESOLUTION

Mr. Shaver offered the following Senate joint resolution, to-wit:

S. J. R. 3. Be it resolved by the Senate, the House of Representatives concurring, that the Joint Rules of the 1939 Regular Session of the Legislature be, and they are, hereby adopted as the Joint Rules of this, the Organizational Session, the Regular Session and all extraordinary sessions of this Legislature.

Which was adopted.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Montgomery, Alabama

Gentlemen:

For your information I advise that on December 17, 1942, Honorable Chas. A. Stakely, Member of the Senate from the 28th Senatorial District of Alabama, submitted to me, as Governor, his resignation as a member of the Senate from said District.

Respectfully,
FRANK M. DIXON,
Governor.

GOVERNOR'S MESSAGE

The above message from His Excellency, the Governor, relative to the resignation of Honorable Chas. A. Stakely, was read and ordered spread upon the Journal.

COMMITTEE ON REVISION OF THE JOURNAL APPOINTED

The President pro tem appointed the following as members of the Committee on Revision of the Journal:

Mr. Elvin McCary, Chairman.
Mr. Sam High.
Mr. Orlan B. Hill.
Mr. J. B. Benson.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Sanderson:

H. J. R. 3. RESOLVED by the House, the Senate concurring, that a Joint Session of the House and Senate be held at One

P.M. today for the purpose of hearing the Message of the Honorable Frank M. Dixon, Governor.

RESOLVED FURTHER that a committee of three from the House, to be appointed by the Speaker of the House, and a committee of two from the Senate, to be appointed as provided by the rules of that Body, be named to wait upon the Governor and advise him that the two Houses will meet in Joint Session at the hour named above for the purpose of receiving his message.

And sends same herewith to the Senate for its consideration.

And the Speaker named as the Committee on part of the House Messrs. Sanderson, Smyer, Thompson.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The resolution, H. J. R. 3, set out in the foregoing Message from the House was read and adopted by the Senate.

Messrs. Garrett and Russell were appointed as Committee on part of the Senate.

JOINT SESSION

The hour of one o'clock having arrived and in accordance with House joint resolution heretofore adopted, the Senate adjourned to the Hall of the House of Representatives for the purpose of hearing the Message of His Excellency, the Governor.

The Joint Session was called to order by Mr. Simpson, President Pro Tem and Presiding Officer of the Senate, who directed the Secretary to call the roll of the Senate, when the following members answered to their names:

Messrs.:	Dodson	Jones	St. John (Cullman)	
Benson	Espy	Kilborn	St. John (Lawrence)	
Bentley	Garrett	Lawson	Shaver	
Black	Goodwin	Madison	Simpson	
Bradford	Henderson	McCary	Taylor	
Brown	High	Newton	Toomer	
Carlton	Hill	Pinson	Walton	
Cobb	Hornsby	Russell		—30

The Speaker of the House then directed the Clerk of the House to call the roll of the House of Representatives, when the following members answered to their names, to-wit:

Mr. Speaker	Austin	Bennett (Calhoun)	Bryan
Allen	Barrett	Black	Byars
Ard	Beebe	Boswell	Carnley
Armstrong	Bennett (Barbour)	Brantley	Carter

Chichester	Gullatt	McDonald	Sanderson
Christopher	Gwin	McGinty	Segrest
Cobb	Hankins	McIlwain	Sessions
Coburn	Harris	McPherson	Sightler
Cole	Harrison	Merrill	Smyer
Dearman	Head	Molette	Snyder
Deason	Henderson	Norman (Bullock)	Stell
Dobbs (Elmore)	Hodges	Norman (Lowndes)	Stewart
Dobbs (Fayette)	Hodo	Owens	Still
Dodson	Hooton	Payne	Stone
Duffee	Jackson (Chambers)	Pill	Sullivan
Eddins	Jackson (Tallapoosa)	Pool	Thomas
Edwards	Johnson (Winston)	Porter (Choctaw)	Thompson
Elrod	Johnston (Mobile)	Porter (Henry)	Tidmore
Fite	Jones	Posey	Tucker
Frasier	Kirby	Pruet	Walker
Gillis	Locke	Rains	Ward
Givhan	Lowe	Robertson (Cullman)	White
Golson (Butler)	Maples	Robinson (Lowndes)	Wood
Golson (Elmore)	Martin	Sanders	Wright
Green	McCurdy		—98

The President Pro Tem and Presiding Officer of the Senate announced that there was a quorum of the Legislature of Alabama present, and that the purpose of the joint session was to hear the Message of His Excellency, the Governor.

Thereupon, Governor Dixon was escorted to the chair and delivered his message in words and figures as follows, to-wit:

MESSAGE OF GOV. FRANK M. DIXON TO THE LEGISLATURE OF ALABAMA

To the Legislature of Alabama:

It was the pledge of this administration that the faith and confidence of the people of Alabama in the government of their state would be restored. I believe that this has come to pass, that our state is in the best condition that it has ever been in, that public affairs are being properly, efficiently, and economically administered, and that the condition and morale of our people are excellent.

Certain needed reforms in our governmental structure were placed into effect by the 1939 Legislature, notably with the thought of fixing responsibility, of securing the most competent public servants available and of achieving administrative simplicity. These improvements have been justified. Certain other greatly needed reforms which were innovations in our government structure were undertaken and accomplished. These also have worked in practice greatly to the benefit of our people.

To me now is given an opportunity to render an accounting of my stewardship. Wherein I have succeeded let it be understood that the success was due primarily to that fine group of men and women whom I chose as my associates in the operation of that great administrative structure which is the executive department of the state government.

EDUCATION

One of the chief concerns of this administration has been the improvement of the educational structure of the State. As of today the schools are receiving far more state funds than ever before in Alabama's history.

The transfer of about one million dollars from the Income Tax surplus to care for the cost of Homestead Exemptions released that amount from the Sales Tax Fund and increased the Special Educational Trust Fund annually to that extent.

Two million five hundred ninety-nine thousand dollars was added to that amount appropriated for schools and colleges from the first year of this administration. The passage of a law giving the schools the surplus from the state's General Fund gave the Minimum Program Fund an additional $958,000 of new money for 1941-42 and an additional $2,793,000 for 1942-43. By agreement with the incoming administration the recent special session of the Legislature added $2,000,000. In other words, Alabama as a state this year is giving her schools $7,393,000 more per year of regular annual appropriations than she was able to contribute four years ago. The eight months' term has been achieved together with merited and substantial raises in teachers' salaries.

The new index law determines the ability of each county to support its schools and places the distribution of state school funds on a scientific and equitable basis.

The Minimum Program law was brought up to date by improvements in working details and by putting cities on the same basis as rural areas in the division of state support for buildings as well as the teaching costs.

The teacher tenure law protects teachers from dismissal for frivolous or political reasons and affords them some degree of stability in their work.

New and improved textbooks for the children have been adopted and increases to the free textbook fund have made possible the purchase of readers for upper elementary grades.

Teacher retirement was established by the appropriation of $400,000 annually. The assets in the retirement fund now exceed $1,500,000.

PARDON AND PAROLE BOARD

The creation of this Board, the abolition of the old system, and the operation of our new Pardon and Parole System has been approved by all of Alabama. We are considered one of the most forward-looking states in the Union in this regard, and our people have a pardonable pride in the operation of the system.

The duties as outlined by the Act have been impossible of accomplishment with the appropriation allowed, even after that appropriation was supplemented by me. At the time of the creation of the system neither the Legislature nor myself could do more than guess at the approximate costs, and we found that we had guessed too low. But in spite of this handicap, a very fine and substantial progress has been made.

There has been a consistent decrease in penal population since the inauguration of the new system. The figures follow:

September 15, 1939	7,266
October 1, 1940	6,479
October 1, 1941	5,945
September 1, 1942	5,596

Faced with the mandate to secure the history of 7,266 prisoners and consider them for release or parole, and to secure the history of every prisoner received thereafter, the Board considerd an average of 450 per month until that duty was completed. It required about eighteen months to complete the work of considering those confined on September 15, 1939 (except those prisoners who had completed service of sentences), and to catch up with the courts. Since that time the Board has considered 12,963 cases (inclusive of reconsiderations of cases formerly denied); 3,405 prisoners have been released on parole; 284 of those released or 8.4% have failed and have been returned to the service of their sentences. Many of these failures have been due to violations of instructions, such as leaving employment or changing address without permission.

The courts of the state have placed on probation under the supervision of this Board 5,302 defendants. Of those 428, or 8% have failed and been sentenced to serve their sentences.

No prisoner is paroled without definite employment or without a satisfactory home and support.

Supervision of parolees and probationers is of necessity too superficial. The average case load upon probation officers is at the present time 210 whereas it should be approximately 150.

Pardons granted by the Board since its inception are as follows:

Pardons with restoration	46
Pardons without restoration	9
Civil and political rights restored without pardon	162

After three years of administration of the new system of release procedures, we have reason to be very proud of the legislation. It is constantly referred to as a model and highly commended both within and without the state. While the Alabama law prescribed much broader duties and responsibilities than is delegated by other state legislative bodies to pardon and parole authorities, its soundness is conceded.

Every dollar spent in the wise selection of prisoners for release on parole and for careful and thorough supervision will result in saving many more dollars to the state. I have found it necessary to increase, out of other funds, the appropriation for this department, in one year granting them an increase in the amount of $30,000.

THE MERIT SYSTEM

The adoption of the Merit System Act was a radical departure from the time-honored Alabama custom of political appointments. It was installed after a careful examination of the law by all of the qualified authorities within the United States and a careful selection of the system which seemed best fitted to the desires of our people. In its installation every effort was made to see that the rules of complete fairness were observed, and it is my opinion that in all cases the law has been strictly followed. The morale of the employees of the state is better than ever before in our history. During the activities of the recent political campaign the work of the state did not suffer. The employees know that so long as they do their work as they should they have that security of tenure which is so important in the life of any man or woman. They know that they are protected by law, and that knowledge on their part has repaid the people of Alabama many, many times.

Remarkable progress has been made in the installation of the system. It is believed that the Merit System is now a fundamental part of the governmental structure of our state and one which the people of Alabama cherish.

INDUSTRIAL RELATIONS

The Department of Industrial Relations Act consolidated the work of the Unemployment Compensation Commission, the Alabama State Employment Service, the Department of Labor, and the Coal Mine Inspection Department into the Department of In-

dustrial Relations. It also transferred the administration of the Workmen's Compensation Law from the Insurance Department to the Industrial Relations Department. It is required also the Director to set up factory and industrial plant inspection. For the first time in the history of the state, therefore, there was brought into one department the administration of all state laws affecting the relationship of employer and employee.

The Department has operated with three well organized, closely coordinated divisions, namely, (1) the Division of Employment Security, composed of the Unemployment Compensation Agency and the Alabama State Employment Service; (2) the Division of Safety and Inspection, and (3) the Division of Labor.

On January 1, 1939 the balance in the Unemployment Compensation fund was $7,360,741. On September 1, 1942 the balance was $33,913,404. We collected approximately $750,000 in interest on this fund in 1942. This increase has accumulated in the Trust Fund, even though an experience rating plan was enacted into the law in 1940 to become effective in April 1, 1941. On that date 2,467 employers of the state and their employees received a reduced tax rate. Then on April 1, 1942, 2,954 employers and their employees received reduced rates of tax. It is possible under this plan for employers to pay only one-sixth the amount formerly paid and for their employees to pay only one-tenth of the amount they formerly paid. In 1941, 563 employers qualified for this lowest rate and in 1942, 895 so qualified.

It is estimated that the saving in taxes to employers and employees for the first year amounted to at least $4,000,000 and that the savings to them this year will amount to $9,287,500.

Division of Safety and Inspection

The Industrial Relations Act made it mandatory that all places of employment be inspected for safety and health. A group of factory inspectors were selected for this purpose, a basic safety manual adopted by agreement of both management and workers and the factory inspection program has been in effect satisfactorily over three years. The scope of the mine inspection activities has been enlarged.

Division of Labor

In the Industrial Relations Act there was created a Division of Labor, and a Commissioner of Labor was appointed who could properly be said to represent the general public. The Division was divided into four units, as follows: Meditation and Conciliation; Workmen's Compensation; Child Labor, and Labor Statistics. Full

information as to the operation of this Division is contained in its annual report.

Under and by virtue of an agreement with the Social Security Board, I recommend to this Legislature the amendment of our laws to conform to the 1939 Amendments to Section 303 (a) of Title III of the Social Security Act. The suggested amendment to our law is mandatory under the rules of the Social Security Board and the Federal statutes referred to.

DEPARTMENT OF CORRECTIONS AND INSTITUTIONS

The action of the 1939 Legislature in creating a department of Corrections and Institutions specifying that it be administered by a director immediately responsible to the Governor of the State has justified itself by the results during this administration. A scientific method of classifying prisoners has been installed. Individual treatment in lieu of regimentation is also carried out as far as possible. While we do not have any institution for the segregation of first offenders, insofar as practicable that system is effectuated by the use of Speigner, where the average age of approximately seven hundred young prisoners is 22½ years. Schools have been established within the prisons and are well justifying the necessary expense.

Insofar as practicable, the state prison farms have been used as experiment stations. The inauguration of a scheme for distributing pure bred Guernsey bulls is unquestionably doing great good tor the dairy interests of the state. The purchase in 1941 of the cattle ranch at Greensboro, on which the state now has 1200 head of cattle, in addition to the 800 head at the other prison farms, enables the state to raise its own prison beef at a tremendous saving. I recently approved the purchase of approximately one hundred pure bred Hereford cows and bulls so that the same plan for distributiong pure bred bulls could be inaugurated as heretofore established for the Guernsey dairy herd.

The building of a sweet potato drying plant at Atmore, and the proof that sweet potatoes can be processed into meal that is just as good stock food as corn, will in time prove to be a God-send to cattle and dairy men throughout our state.

The ramie experiment was started with the idea of providing a new cash crop for the South Alabama farmer, and with the hope that processing plants would be built in a number of South Alabama communities. It will ultimately be successful. The silk experiment is progressing favorably.

The establishment of a new department, and the matter of separating its activities from the old Board of Administration, has been

definitely and economically accomplished. The department has gradually established a bookkeeping and accounting system which saves thousands of dollars a year in accounting for every pound of food stuff, as well as thousands of dollars' worth of property and equipment.

The Julia Tutwiler Prison for Women, which cost $373,186 has been opened, and is to be operated by a woman warden, with a staff composed of women. It is my opinion that the maintenance of a woman's prison operated by male wardens has always been unwise.

PUBLIC WELFARE

The public welfare program has been strengthened, improved, and extended through revision and codification of its laws and through consolidation and stabilization of its appropriation measures. The appropriations formerly conditional, and available only after prior obligations were taken care of, were made definite and regular. A new $25,000 appropriation for old age assistance purposes was made, conditioned upon the approval of the Governor, and has been released for expenditure during the last three years.

The Department of Public Welfare was the valve through which a total of $105,056,950.98 in Federal, State and local funds reached Alabama's needy people during the period, January 17, 1939 through September 30, 1942. This represents an increase of approximately $55,000,000.00 over the $50,630,416.39 which flowed through the Department to Alabama's needy citizens during the period October 1, 1935 through January 16, 1939. Representing $94,410,210.55 Federal, $6,041,915.74 State, and $4,605,034.99 local funds, this $105,056,950.98 includes, in addition to direct public welfare expenditures, benefits from Work Projects Administration, National Youth Administration, Agricultural Marketing Administration (surplus commodities), and Civilian Conservation Corps, for which agencies the Department of Public Welfare certifies families as eligible.

Direct expenditures of the Public Welfare Department include those for the Social Security programs—Old Age Assistance, Aid to Dependent Children, Aid to the Blind, and Child Welfare Services. These expenditures amounted during the period January 17, 1939 through September 30, 1942, to $16,999,810.03, of which $6,353,069.30 was Federal, $6,041,915.74 State, and $4,605,034.99 local funds. Compared with the $10,150,708.94 shown for similar services during the previous administration (October 1, 1935—January 16, 1939), this expenditure shows an increase of $6,849,101.09.

The number receiving assistance each year through direct public welfare expenditures is indicated by 1941-42 statistics which showed approximately 78,170 Alabamians in 29,836 families aided by the

department monthly. Of the total number of families receiving financial assistance through this Department, more than two-thirds, or 70.04 per cent were the aged. Payments to the aged represented the largest expenditure of the public welfare program, the total for the period January 17, 1939-September 30, 1942 being $8,024,194.67 as against $4,054,259.47 for the period October 1, 1935-January 16, 1939.

The Confederate Pension Act was amended in 1939 to provide for monthly instead of quarterly grants to veterans and widows. The scale of payments was raised from $50.00 to $65.00 for veterans, and from $20.00 and $30.00 for different classes of widows to $30.00 for all widows, with classes eliminated. Grants and service to Confederate pensioners were thus increased and improved, and at the same time more funds were released for the care of the needy aged in the State through the mounting residue of this one mill tax which the Legislature earmarked for old age assistance purposes.

Provision by the Legislature to close the Confederate Soldiers' Home at Mt. Creek and to allocate for aid to the aged the $5,000.00 formerly appropriated for operation of the institution has served as another resource for increasing the old age assistance program and for bringing additional Federal funds into the State for this purpose.

The Old Age Assistance Act was amended in order to liberalize the terms under which funds could be made available to a greater number of the State's aged people. The liberalization of this Act, together with the additional and increased sources of revenue for the aged, account for the growth in this program just cited.

Other changes in public welfare and public assistance laws insured conformity with Federal legislation and thus enabled the State to take advantage of changes in the matching basis for obtaining Federal funds. In 1940 the Federal participation in aid to dependent children was increased from thirty-three and one-third percent to fifty percent, thus bringing to this group more Federal money and spreading to greater advantage local and state dollars.

Other improvements in the Public Welfare Act provided for cooperation with the newly created Board of Pardons and Paroles and Department of Corrections and Institutions in line with the progressive legislation establishing these new governmental agencies.

The policy of closing county almshouses was continued, and the number reduced from twelve, housing 482 residents, to seven, with 382 inmates. Plans for care of former residents in most instances come under the old age assistance or aid to the blind laws. Thus local dollars heretofore appropriated to operate these institutions

bring into the state Federal money through the Social Security Program.

PUBLIC HEALTH

The high standards heretofore established by the Health Department have been maintained. A $75,000 annual appropriation was made by the Legislature and used to match funds expended by local governments for the care and treatment of tuberculosis. Sixteen Thousand Dollars was released this last year out of the unexpended balance in other funds for this same activity. A conditional annual appropriation of $25,000 for the general work of the Department has been released annually. Due to the greatly enlarged work of the Bureau of Vital Statistics such increases in staff as were requested by the State Health Department were made, the expenses being met out of the temporary clerk fund.

There has been a great increase in the activities of all of the divisions of this Department.

THE HIGHWAY DEPARTMENT

The 1939 Legislature abolished the Highway Commission, a body composed of three full-time members, and substituted therefor a Highway Director appointed by and responsible to the Governor. Following this change the department was completely reorganized in accordance with the experience of the most progressive states.

At the beginning of this administration the Alabama Highway System consisted of 6329 miles of road, of which 3402 miles were paved, and 2927 miles surfaced with gravel, chert, or topsoil. There now exist on the State Highway System 6906 miles of which 5362 are paved, and 1544 graveled or topsoiled.

At the beginning of this administration there were 4151 miles of road known as the Federal Aid System, which system is included in the state system of roads. The Federal Aid System was extended to consist of 4848 miles. During the year 1941 the Highway Department was successful in creating a Federal Aid Secondary System which consists of 5878 miles. It is on this system that the more important roads under county supervision are included. Thirty-six and one-half percent of all the roads on the State Highway System was completed during the last four years. The University Highway, extending from Montgomery to Tuscaloosa, which should have been paved long before the beginning of this quadrennium, is about complete.

CONSERVATION

The outstanding day for Conservation in Alabama dates back to March 14, 1939 when the bill was signed creating the new department combining the activities of all game, fish and seafood departments with that of forestry, and assuming supervision of the state parks. The benefits of concentrated authority for the administration of Alabama's natural resources were evident from the beginning. Each year since has found Alabama more conservation conscious and its people more willing to cooperate in the preservation of its forests, wildlife and seafoods.

The Division of State Parks is making it possible for Alabamians to enjoy their vacations within the borders of their own state. The parks are in excellent shape today.

The Division of Game Fish and Seafood has enjoyed a most progressive period since 1939. Quantities of game and fish have been reared and planted in depleted areas, scientific game management work has progressed. Thousands of barrels of oyster shells have been planted in Alabama coastal waters. By enforcement of the seafood laws, the crabbing industry has been rehabilitated, all salt water fish takes have been increased, and shrimp propagation aided.

During the past three years the forestry program has been completely reorganized. In an effort to improve the forest conditions in the State, the Alabama Forest Policy was adopted and recommended to the forest owners of the State. This policy outlined the requirements necessary to insure the proper protection and continuous development of forest lands. Nation-wide attention has been given to the plan and it has been used as a model for other states. The Division added technically trained personnel to assist landowners in protection and management activities.

The need for forest fire control is apparent and the administration supported every movement to give Alabama forest lands adequate protection. The acreage under organized fire control has been doubled during the past four years and the number of cooperating landowners has increased from 110 to approximately 5,000. This has aided materially in financing the work. These landowners are paying fifty percent of the cost of fire control. Federal funds for forest protection have been doubled during this administration. Forty-six forest observation towers have been erected and approximately 600 miles of telephone lines added to the protection improvements. Equipment used in fire control activities has been greatly expanded. Evidence as to the results of this work is found in every section of the state.

To supply farmers and other forest owners with forest tree seedlings a new nursery valued at approximately $75,000 was developed during the past four years. Most of the funds for this nursery were secured from Federal sources and through the Civilian Conservation Corps. The new plant is capable of producing tree seedlings to meet all demands.

THE ALCOHOLIC BEVERAGE CONTROL BOARD

The Alcoholic Beverage Control Board is primarily for the purpose of adequate control of the liquor traffic by proper police authority. It was adopted by the people of this state in an effort to alleviate the admittedly rotten conditions which prevailed under prohibition. It is not perfect in letter or in application, yet it is far superior to the prohibition experiment which we tried and abandoned.

While the primary purpose of the Act was adequate control, the revenues derived are extremely important in the operation of the schools, the counties, the cities, and the health, welfare, and extension services. The net revenues distributed in the various years of this administration are as follows:

1939	$2,666,360
1940	3,412,367
1941	4,677,591
1942	7,586,898

In addition to the total of $18,343,216 through this operation distributed to the cities, counties, and the state, a total of $232,205.00 in county license levies was collected for and paid to the various participating agencies.

In spite of the continued increase in volume of sales there was a reduction of operating expenses during the year 1939-40, accomplished through a reorganization and a reduction in personnel. During 1941-42 a continued increase in volume of sales necessitated an increase in personnel and contributed to an increase of expense.

It is my opinion that the basic law is sound and practical, and that changes and improvements can be made through the regulatory powers provided.

STATE DEPARTMENT OF REVENUE

The 1939 Legislature abolished the former State Tax Commission, composed of three members, and created the State Department of Revenue, to be administered by a single executive officer

who was also made Ex-Officio State Land Commissioner, thus bringing together under the Commissioner of Revenue the entire revenue department of the State. A complete departmental reorganization took place. The net result has been a large increase in total funds collected in each year of this administration, with at the same time a very substantial decrease in expenses.

For instance, the total funds collected in 1938-1939 were $29,500,000 with an expense for collection of $875,000, while the total funds collected in 1941-1942 were $47,300,000 at a total expense of $733,000. In other words, while there was an increase in taxes collected of $18,000,000 there was actually a decrease of $141,600 in cost of collection.

The Alabama National Guard was mobilized and inducted into active Federal service during the winter of 1940-41 with a total strength of 5378 (including 1302 enlisted men of the inactive guard).

In the Spring of 1941, immediately after the induction of the Alabama National Guard, a Headquarters and twenty-five companies of the Alabama State Guard were organized and mustered into state service as a temporary force to replace the National Guard. The State Guard has been uniformed and equipped. On four occasions since its organization its Units have been employed in various places in the maintenance of law and order, and three one-week training encampments have been conducted.

The organization of a State Guard Reserve has also been authorized, under which any area of the State which desires to work out its own measures of protection is permitted to do so under military authority.

DEPARTMENT OF PUBLIC SAFETY

The functioning of this department has been at the highest point in its history. The Patrol has been efficiently operated. An Accident Record Bureau was established in August, 1939. The Uniform Drivers' License Division was organized and put into operation in that same year and each applicant for a driver's license is required to stand examination. The former one-year license period has been extended to two years.

For the better enforcement of the criminal laws, sixty-four cars and twenty-two motorcycles were equipped with radio receiving sets, and six cars were equipped with two-way radio sets. Advantage has been taken of special courses of training offered by the Federal Bureau of Investigation, and a close cooperation with all Federal and local enforcement agencies has been maintained.

DEPARTMENT OF COMMERCE

The Department of Commerce, consisting of the Bureaus of Banking, Insurance, Savings and Loan, and the State Fire Marshal Office, was created by an Act of the 1939 Legislature. Under the present setup the Director of Commerce serves as Superintendent of Banks and as Savings & Loan Commissioner. The Superintendent of Insurance is, under the law, the State Fire Marshal Ex-Officio. The consolidation was sponsored by the administration in the interest of efficiency, economy, and for the further reason that the supervision of banks, insurance companies, savings and loan associations are comparable. Quite frequently the activities of these bureaus interlock.

Since the consolidation of the four bureaus there has been an annual saving in administrative costs of approximately $16,500.00 or 19%, with a definite gain in efficient operation.

ALABAMA STATE PLANNING COMMISSION

The law creating the Planning Commission was amended so as to provide funds for a more efficient service in a larger field of operation. The Director of the Commission has been engaged in large measure in assisting in the solution of many problems presented to the State by population changes and the creation of defense industries due to the war.

This Commission can by careful and intelligent planning provide methods for economic and industrial development of our State, assuring adequate facilities for the employment and rehabilitation of those of our people now engaged in military service or in the operation of defense activities, when they are returned to civil life.

THE AVIATION COMMISSION

During this administration there has been expended $7,500,000 on airports within the State primarily by the towns, counties, and Federal Government. The activities of the Aviation Commission have largely been in an advisory capacity assisting the local, city, and county officials as well as the officials of the Federal Government and officials in the military service in all matters that deal with aviation.

It is believed that the comparatively small expenditure from State sources has been well justified. The work of the Commission has been a great help to our armed forces, many of the fields having been taken over by the military service.

DEPARTMENT OF ARCHIVES & HISTORY

The Public Library Service Division was created by the 1939 Legislature, with a conditional $10,000 annual appropriation. Since this appropriation was spent by the Education Department for free textbooks, money from the Emergency Fund is being used to maintain this service temporarily. In addition to the state appropriation, more than $600,000 has been expended through WPA and appropriations by certain counties in the state. Since the law became effective fifty-one counties have public library service.

In addition, the 1939 Legislature, through special appropriation, furnished and equipped the building with the exception of the book stacks. The building is in excellent condition. Very few, if any states of the Union, have a department to compare in equipment or in articles of historical value and interest as that which we have in Alabama.

DEPARTMENT OF FINANCE

The Department of Finance, organized primarily for the purpose of gathering into one department matters dealing with the financial structure of the State, has operated successfully.

The cash balance in the Treasury, according to the State Comptroller as of January 17, 1939, was $6,791,927. The balance on December 30, 1942 was $29,377,459, or an increase of $22,585,532.

Prior to September 30, 1940 there was no actual state inventory of assets that could be located. On that date, according to an inventory conducted by the Department of Finance, the properties of the State were valued at $220,249,000. A comparable inventory on September 30, 1942 showed the value of these properties as $236,126,000, or a gain after depreciation, of $15,875,000. The State has spent approximately $45,000,000 in the erection of new installations and in the repair and maintenance of the old.

Outstanding bonds on January 1, 1939 totaled $72,671,000. These included the toll bridge and Cochran Bridge bonds. There were paid during this administration bonds totaling $11,272,500. Our people voted an additional sum of $868,000 to care for the freeing of the toll bridge at Florence. There are now, therefore, outstanding bonds in the amount of $62,286,500. A sinking fund of $332,000 has been set up toward the retirement of the Old Bonded Debt of $8,557,000.

The Division of Local Finance

This Division of the Department of Finance, created for the purpose of assisting the counties and municipalities of the State in

financing and refinancing their affairs, has been of great aid to these several governments.

Division of Purchase and Stores

This Division, which is the central purchasing system for the State, has been responsible for the saving of many millions of dollars for our people.

Physical Properties

The physical properties of the State are at this time in excellent condition.

Division of Control and Accounts

Many improvements in the Division of Control and Accounts have been made during this administration. It is believed that the Division is working satisfactorily and that its creation has been of benefit to our people.

Division of Examiners of Public Accounts

The Division of Examiners of Public Accounts, with a considerable reduction in number of employees and with greatly enlarged work, has done an excellent service.

Division of the Budget

The Division of the Budget has discharged well the duties assigned to it.

Lack of space prevents me from going into the work of several of the departments of the State. It is my belief that they have been efficiently operated, and the work performed by all departments during this administration will be carried in the official reports to which reference is here made.

FEDERAL-STATE RELATIONSHIPS

One of the most difficult problems with which this administration has been faced, one of the most difficult with which the people of Alabama are now faced, is that of federal-state relationships. It is, of course, complicated by the existence of war and the necessity, in which we all acquiesce, of surrendering to the Federal Government any and all powers necessary to the winning of this conflict. In comparison with the urgency of that result, nothing else is of importance. And yet upon the correct long-run solution of the problem of the federal-state relationships depends the continued existence of the democratic principle of government in this country,

as well as the maintenance of the very social and economic structure of the people of the South.

It has been necessary, on occasions, for this administration to protest the actions of certain Federal officials and agencies in their attempts at concentration of power in fields having no relation to the war effort, and in their attempts to abolish the segregation of the races in the South. Protest has been made only when it was apparent that the purposes of the agencies and officials were contrary to the maintenance of the democratic ideals or were dangerous to the peace. The trend continues and presents an extremely serious situation which now confronts our people and will increasingly confront them in the future, and which ultimately must be solved.

THE WAR

In all matters having any connection with the prosecution of the war this administration has cooperated completely and decisively with our Federal Government. At the request of Washington authorities it has been necessary, by executive order, to relax certain provisions of our laws, for example those dealing with speed and weights on the highways. The State Defense Council was organized and staffed; the State Guard was organized and equipped. The State Guard Reserve has been authorized by executive order and each community of this state is privileged to organize its own unit. There has been complete cooperation between state and local law enforcement agencies and those of the Federal Government. I think it safe to say that Alabama ranks high among our sister states in preparations for civilian defense and in cooperation with the Federal authorities.

There has been no holding back by our people. A vote of thanks is due to the members of the Selective Service Boards, of the Rationing boards, of the State and Local Defense Councils, of the local emergency police and fire, and other civilian defense organizations; to the Salvage Committees, to the Committees on Nutrition in War Time, to the many other organizations connected with civilian defense, the members of which have served long hours and without pay as a patriotic duty.

The complexion of all things has changed. We all realize that the winning of the war is basic, essential, paramount. We all realize that the times call and increasingly will call for sacrifice on the parts of all of us, in every way. The response of the people of Alabama has been magnificent, and it has been a soul-satisfying experience to be their governor during these days. The job has not been a particularly easy one. It has been made possible through the wholehearted cooperation which I have received.

There could have been no finer cooperation than that which I received from the Legislature during my term of office. In the enactment of the program which I submitted to and recommended to them they placed in my hands the tools with which to work. They enabled me to render such service as I have been able to render to the State. It was a real privilege to serve with them.

May I bespeak for the fine gentleman who succeeds me that same type of cooperation accorded to me? This is no time for the development of pet theories, no time for the playing of politics. This is a time when all of us must see eye to eye and work together for the greater good not only of Alabama but of these United States. Our boys wear the uniform of their country today. To the families of many of us have already come the greatest of sorrows. Our hearts and our prayers go out to those who have been bereaved. As servants of our people let us dedicate ourselves anew to that true unselfish service, without regard for cost or sacrifice, which is the mark of greatness.

FRANK M. DIXON,
Governor.

The purpose of the joint session having been accomplished, the Senate returned to its Chamber and was called to order by President Pro Tem., Mr. Simpson.

ROLL CALL

Present:

Messrs.:	Dodson	Jones	St. John (Cullman)
Benson	Espy	Kilborn	St. John (Lawrence)
Bentley	Garrett	Lawson	Shaver
Black	Goodwin	Madison	Simpson
Bradford	Henderson	McCary	Taylor
Brown	High	Newton	Toomer
Carlton	Hill	Pinson	Walton
Cobb	Hornsby	Russell	—30

MESSAGE FROM THE HOUSE

Mr. President:

I am directed by the House to notify the Senate that the House has perfected its permanent organization by the election of the following officers:

Speaker—Hon. George O. Miller, of Sumter.

Clerk—R. T. Goodwyn, Jr., of Montgomery.

Assistant Clerk—John F. Campbell, of Cleburne.

Engrossing and Enrolling Clerk—J. W. Kirtland, of Montgomery.

Doorkeeper—W. H Barnard, of Jefferson.

Assistant Doorkeeper—W. M. Blackwell, of Montgomery.

And is now ready for the transaction of the public business.

R. T. Goodwyn, Jr.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Allen:

H. J. R. 4. RESOLVED by the House, the Senate concurring, that the House of Representatives and the Senate meet in joint convention in the Hall of the House of Representatives at Eleven O'clock A.M. tomorrow, January 13, 1943, for the purpose of witnessing the opening and publishing of the returns of the election of the Executive Officers of the State of Alabama at the General Election held on November 3, 1942 as required by Section 115 of the Constitution of Alabama.

And sends same herewith to the Senate for its consideration.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The resolution, H. J. R. 4, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate joint resolution:

By Mr. Shaver:

S. J. R. 3. Be it resolved by the Senate, the House of Representatives concurring, that the Joint Rules of the 1939 Regular Session of the Legislature be, and they are, hereby adopted as

the Joint Rules of this, the Organizational Section, the Regular Session and all extraordinary sessions of this Legislature.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,
Clerk.

JOINT RULES OF THE LEGISLATURE OF ALABAMA

In accordance with Senate joint resolution, heretofore adopted, the following were adopted as the Joint Rules of the Legislature of Alabama for this, the Organizational Session, all Regular Sessions and any Extraordinary Sessions of this Legislature.

1. Upon the reception of a message from either house notifying the other of the originating and passing of bills, the Secretary or Clerk, as the case may be, shall immediately after the message is read, proceed to read the bills by their titles, unless the reading be called for by some member, in which event the bill shall be read at length, and referred to a committee. The House or Senate, as the case may be, shall then proceed with the business upon which it was engaged when the message was received; provided, that messages from one house to the other shall take precedence over all other questions.

2. When House or Senate bills are signed by the presiding officer of the House or Senate, thereupon the Clerk or Secretary, as the case may be, shall notify the other house and request the signature of the presiding officer to the same; and as soon as the message is read, the presiding officer shall immediately sign the bills in the presence of the House or Senate, as prescribed by the Constitution.

3. That no local or special bill shall be introduced into either house unless the member who introduced it discloses at the time the fact that the notice required by the Constitution and laws has been given, and submits one original and two exact copies of proof thereof with the bill.

4. All bills for amendment to any section or part of the Code, in which the subject matter is stated in the title by reference to the section or other subdivision of the Code, must contain on the back of the bill, immediately below the title, a brief statement of the general subject to which such a section or subsection relates.

5. That the Secretary of the Senate or the Clerk of the House, as the case may be, shall, when a bill is duly enrolled and signed by the presiding officers of both houses, deliver the bill to the Governor, noting thereon the day and hour and minute of deliv-

ery, and shall make a written report thereof to the House or Senate, where the bill originated, showing the number and title of the bill and time of delivery, which shall be spread upon the Journal, and shall become a part of such Journal.

6. All legislative documents, reports or other papers with the exceptions of bills or resolutions, which may be ordered printed by either house, shall be issued in octavo form, 23 ems measure in width, 11 point type with 1 lead only, saddle sttiched or wired on the side, and the title page shall have a heading in substantially the following form:

IN THE LEGISLATURE OF THE STATE OF ALABAMA

REGULAR SESSION, 194.....

Legislative Document No.....

(or Calendar No.....●....., for that publication, with the name of the particular house.)

7. Bills or resolutions ordered printed by either house, or by any committee or the chairman thereof under the rules of the respective houses, shall substantially conform in size, paper and general style to the printed bills of Congress; shall be given a printed bill number in the order received by the State printer, in addition to the Senate or House number; shall be printed on one side of the paper only; shall be saddle stitched or wired on the left side; and the heading of each shall be substantially as follows:

Printed Senate (or House)

No..... No.....

IN THE LEGISLATURE OF THE STATE OF ALABAMA

REGULAR SESSION, 194....

Jan. (or other date)..... Senate (or House) Bill (or resolution) No....., introduced by Mr..... of..... (County).

Read 1 time and referred to committee on..... (or such other action, showing status at date printed).

Jan. (or other date) copies ordered printed by the Senate (or House).

8. In addition to the number of copies of any bill, resolution, document or other printed paper which may be ordered printed by either house, or by any committee, or the chairman thereof,

the State printer shall print two hundred and fifty additional copies for the use of the Department of Archives and History, unless otherwise ordered by the Director.

9. The privileges of the floor of both houses are accorded the Director and the Clerks of the Department of Archives and History, in aid of the reference work, required by law to be done by the Department for the members of the Legislature.

10. In consideration of the appropriation bills recommended by the Budget Commission, no amendment, except an amendment reducing or striking out items in the bill, shall be received or considered, unless such amendment shall have first been considered by the Committee of the Whole House, of the House in which the amendment is offered and voted for by a majority of the members elected to said house.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Rains:

H. J. R. 5. WHEREAS, the winning of the war is uppermost in the mind of our people, and

WHEREAS, we are all intensely interested in its progress, and

WHEREAS, the State of Alabama has the honor to have one of her distinguished sons, the Honorable Lister Hill, on the Senate Military Affairs Committee, and

WHEREAS, he has served his native State long and well and has achieved during the course of such service the signal honor of being named the Democratic Whip in the Senate, and

WHEREAS, the Legislature of Alabama desires to give expression to its appreciation of the labors which he has performed in behalf of his State, and

WHEREAS, Mr. Hill is held in high esteem and regard among the citizens of this State as a thinker and an orator, and

WHEREAS, it is the sense of this body that the Legislature of Alabama should seize this opportunity to hear a great Democrat who occupies a position of such high trust in Washington,

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives, the Senate concurring, as follows:

First, that an invitation be extended to Hon. Lister Hill, United States Senator, to address, on Tuesday, January 19th, if convenient to him, a joint session of the Senate and House of Representatives of the State of Alabama.

Second, that a copy of this Resolution be transmitted by the Secretary of the House to Mr. Hill.

And sends same herewith to the Senate for its consideration.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

On motion of Mr. Madison, the resolution H. J. R. 5, set out in the foregoing Message from the House, was adopted by the Senate.

ADJOURNMENT

At 2:10 P. M., on motion of Mr. Carlton, the Senate adjourned until 10:30 A.M. tomorrow, January 13, 1943.

SECOND DAY

Wednesday, January 13, 1943.

The Senate met pursuant to adjournment, President Pro-Tem, Mr. Simpson presiding.

PRAYER

The session was opened with prayer by Dr. Gaston Foote, of the First Methodist Church of Montgomery.

ROLL CALL

Present:

Messrs.:	Dodson	Kilborn	St. John (Lawrence)	
Benson	Espy	Lawson	Shaver	
Bentley	Garrett	Madison	Simpson	
Black	Goodwin	McCary	Smith	
Bradford	Henderson	Newton	Taylor	
Brown	High	Pinson	Toomer	
Carlton	Hill	Russell	Walton	
Cobb	Hornsby	St. John (Cullman)		—30

JOURNAL

On motion of Mr. Shaver, the reading of the Journal of yesterday was dispensed with, and same approved by the Senate.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the First day and finds same correct and containing all original entries and references thereto required by the Constitution.

Elvin McCary,
Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was read and on motion of Mr. McCary, said report was concurred in and the Journal of the Senate for the first day was approved by the Senate.

OATH OF OFFICE

Upon request of President Pro-Tem and presiding officer of the Senate, Mr. Simpson, Senator-elect Jim Smith Jr., came forward and the President Pro-Tem administered to him the oath of office required by the Constitution of Alabama, and Senator Smith subscribed his name to said oath as follows:

"I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama, so long as I continue a citizen thereof, and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter to the best of my ability. So help me, God."

Jim Smith Jr.,

LEAVE OF ABSENCE

On motion of Mr. Kilborn, leave of absence was granted Mr. Jones for today.

JOINT SESSION

The hour of 11:00 o'clock A. M. having arrived, pursuant to joint resolution heretofore adopted, the Senate adjourned to the hall of the House of Representatives to witness the opening of the returns, the counting, ascertaining and proclaiming the results of the votes cast for Executive Officers of the State of Alabama, at the general election held on November 3, 1942.

The joint session was called to order by Mr. Simpson, President Pro-Tem and Presiding Officer of the Senate, who directed

the Secretary to call the roll of the Senate, when the following members answered to their names:

Messrs.:	Dodson	Kilborn	St. John (Lawrence)
Benson	Espy	Lawson	Shaver
Bentley	Garrett	Madison	Simpson
Black	Goodwin	McCary	Smith
Bradford	Henderson	Newton	Taylor
Brown	High	Pinson	Toomer
Carlton	Hill	Russell	Walton
Cobb	Hornsby	St. John (Cullman)	—30

The Speaker of the House then directed the Clerk of the House to call the roll of the House of Representatives, when the following members of the House answered to their names:

Mr. Speaker	Deason	Jackson (Tallapoosa)	Posey
Allen	Dobbs (Elmore)	Johnston (Mobile)	Pruet
Ard	Dobbs (Fayette)	Jones	Rains
Armstrong	Dodson	Kirby	Robinson (Lowndes)
Austin	Duffee	Locke	Sanders
Bagley	Eddins	Lowe	Segrest
Barrett	Edwards	Maples	Sessions
Beebe	Elrod	Martin	Sightler
Bennett (Barbour)	Fite	McCurdy	Smyer
Bennett (Calhoun)	Gillis	McDonald	Snyder
Black	Givhan	McGinty	Stell
Boswell	Golson (Butler)	McIlwain	Stewart
Bowling	Golson (Elmore)	McPherson	Still
Brantley	Green	Merrill	Stone
Bryan	Gullatt	Molette	Sullivan
Byars	Gwin	Norman (Bullock)	Thomas
Carnley	Hankins	Norman (Lowndes)	Thompson
Carter	Harris	Owens	Tidmore
Chichester	Harrison	Payne	Walker
Christopher	Head	Pill	Ward
Cobb	Henderson	Pool	White
Coburn	Hodo	Porter (Choctaw)	Wood
Cole	Hooton	Porter (Henry)	Wright
Dearman	Jackson (Chambers)		—94

The President of the Senate announced that there was a quorum of the Legislature of Alabama present, and that the purpose of the Joint Session was to open the returns of, count, ascertain and proclaim the results of the election held on the 3rd of November 1942 for executive officers of the State of Alabama.

The Speaker of the House of Representatives then proceeded to open and publish in the presence of the Legislature of Alabama, and in the presence of a majority of the members of the Legislature of Alabama in joint convention assembled, the returns of the election held on the 3rd day of November 1942 for Executive Officers for the State of Alabama, to-wit: For Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer Superintendent of Education, Commissioner of Agriculture and Industries and Attorney General.

RESULT OF ELECTION

The Speaker of the House proclaimed the result of the election as follows:

COUNTIES	For Governor			Lieutenant-Governor		Secretary of State	State Auditor
	Ordway Southard	Chauncey Sparks	Hugh McEniry	Handy Ellis	J. A. Downer	Howell Turner	John Brandon
Autauga		452	8	452	7	452	452
Baldwin	10	899	80	841	51	890	864
Barbour		684		684		684	684
Bibb		486	9	485	8	485	485
Blount	30	1,120	141	1,102	143	1,053	1,092
Bullock		362	1	362	1	362	362
Butler		530	2	528	2	527	528
Calhoun	3	968	26	962	25	961	961
Chambers		799	4	799	4	799	799
Cherokee	2	620	29	613	29	613	614
Chilton	1	2,668	1,204	2,573	1,214	2,548	2,549
Choctaw		627	1	643	1	643	643
Clarke		778		778		778	778
Clay	2	928	136	921	136	916	927
Cleburne		366	26	365	19	368	368
Coffee	1	711	3	708	4	701	708
Colbert	1	695	40	682	39	686	686
Conecuh		525		87	4	521	522
Coosa	7	544	52	538	55	539	539
Covington	21	827	9	806	59	812	785
Crenshaw		680	1	679	1	679	679
Cullman	4	1,924	419	1,890	426	1,877	1,880
Dale	2	561	16	558	17	557	557
Dallas	1	773	4	774	3	776	777
DeKalb	3	3,667	1,624	3,562	1,775	3,555	3,577
Elmore		1,019	29	1,016	30	1,016	1,016
Escambia	11	646	13	643	14	641	640
Etowah	5	2,000	171	1,988	179	1,969	1,991
Fayette	2	805	241	782	241	745	764
Franklin	9	1,584	359	1,556	371	1,564	1,560
Geneva		618	19	617	17	618	603
Greene		300		298		299	299
Hale		500	3	497	1	500	502
Henry		437	1	436	1	436	436
Houston	3	510	11	507	11	507	507
Jackson	16	850	126	827	128	851	851
Jefferson	23	8,827	378	8,781	366	8,845	8,805

COUNTIES	For Governor			Lieutenant-Governor		Secretary of State	State Auditor
	Ordway Southard	Chauncey Sparks	Hugh McEniry	Handy Ellis	J. A. Downer	Howell Turner	John Brandon
Lamar	1	725	34	723	32	722	722
Lauderdale	4	727	38	716	36	715	713
Lawrence	12	568	99	563	100	579	571
Lee		553	3	551	10	550	550
Limestone		842	1	842	1	842	842
Lowndes		403		403		403	403
Macon	1	291	4	289	4	287	287
Madison	1	992	26	983	21	984	985
Marengo		592		590	1	589	588
Marion	3	691	98	678	100	683	684
Marshall	81	1,354	127	1,321	131	1,322	1,325
Mobile	97	1,795	84	1,719	80	1,795	1,798
Monroe		794	1	787	2	776	787
Montgomery	21	1,447	17	1,445	17	1,444	1,439
Morgan	2	1,332	36	1,277	31	1,279	1,281
Perry		396		396		396	396
Pickens		554	10	554	10	550	549
Pike		766	4	763	4	765	765
Randolph	6	589	77	658	76	658	657
Russell		329		328		328	328
Shelby		1,447	234	1,477	252	1,402	1,396
St. Clair	1	1,901	494	1,835	498	1,812	1,822
Sumter		500	2	500	2	500	500
Talladega	1	945	30	906	37	933	932
Tallapoosa		2,248	10	2,235	8	2,236	2,286
Tuscaloosa	5	1,355	23	1,322	20	1,352	1,352
Walker	9	1,676	310	1,636	308	1,660	1,666
Washington		546	1	535	1	544	546
Wilcox		508		508		508	508
Winston		892	1,218	801	1,215	773	781
Totals	402	69,048	8,167	67,681	8,379	68,160	68,249

COUNTIES	State Treasurer	Superintendent of Education	Commissioner of Agriculture and Industries		Attorney General	
	Walter C. Lusk	E. B. Norton	Joe N. Poole	Dave Moody	Robert B. Harwood	W. L. Longshore
Autauga	451	451	449	8	450	8
Baldwin	889	897	877	82	882	49
Barbour	684	684	684		684	
Bibb	484	484	485	5	486	5
Blount	1,085	1,078	1,085	174	1,091	150
Bullock	362	362	362	1	362	1
Butler	528	529	529	2	527	2
Calhoun	960	961	959	19	960	27
Chambers	799	799	799	4	799	4
Cherokee	613	614	615	25	613	29
Chilton	2,539	2,543	2,549	1,202	2,543	1,230
Choctaw	643	643	643	1	643	1
Clarke	778	778	778		777	
Clay	914	926	915	137	919	137
Cleburne	368	371	365	23	365	23
Coffee	705	700	703	6	701	4
Colbert	684	684	682	33	680	40
Conecuh	520	521	521	4	520	3
Coosa	537	537	534	67	518	51
Covington	820	822	780	112	734	96
Crenshaw	679	679	679		678	1
Cullman	1,877	1,886	1,885	417	1,876	425
Dale	557	558	559	17	557	17
Dallas	776	776	772	4	774	2
DeKalb	3,570	3,572	3,576	1,658	3,578	1,708
Elmore	1,016	1,016	1,018	26	1,016	30
Escambia	640	641	642	13	642	13
Etowah	1,996	1,988	1,963	223	1,974	177
Fayette	763	770	765	258	771	238
Franklin	1,556	1,558	1,551	383	1,554	370
Geneva	616	618	617	23	615	24
Greene	299	299	298		300	
Hale	501	498	501	2	498	2
Henry	436	436	436	1	436	1
Houston	484	508	503	10	508	11
Jackson	853	853	838	125	838	141
Jefferson	8,835	8,812	8,787	396	8,944	392
Lamar	722	721	721	32	720	32
Lauderdale	712	719	716	39	716	42
Lawrence	574	574	574	96	564	102
Lee	550	552	550	22	549	3

COUNTIES	State Treasurer	Superintendent of Education	Commissioner of Agriculture and Industries		Attorney General	
	Walter C. Lusk	E. B. Norton	Joe N. Poole	Dave Moody	Robert B. Harwood	W. L. Longshore
Limestone	842	842	842	1	842	1
Lowndes	403	403	403		403	
Macon	288	287	287	4	290	4
Madison	984	986	983	23	983	24
Marengo	588	589	590	1	588	1
Marion	680	678	677	98	636	104
Marshall	1,342	1,329	1,325	131	1,314	132
Mobile	1,784	1,799	1,781	329	1,758	72
Monroe	785	789	788	2	785	3
Montgomery	1,440	1,440	1,439	19	1,442	17
Morgan	1,275	1,277	1,282	31	1,279	32
Perry	396	396	396		396	
Pickens	550	551	552	10	552	10
Pike	765	765	761	4	764	4
Randolph	658	632	656	75	657	76
Russell	328	328	328		328	
Shelby	1,393	1,383	1,391	252	1,396	294
St. Clair	1,806	1,816	1,812	507	1,802	500
Sumter	500	500	499	2	500	2
Talladega	930	838	903	32	930	37
Tallapoosa	2,250	2,189	2,226	8	2,276	8
Tuscaloosa	1,353	1,350	1,349	22	1,353	22
Walker	1,662	1,662	1,655	256	1,630	301
Washington	545	545	546		545	1
Wilcox	508	508	508		508	
Winston	774	775	766	1,217	777	1,223
Totals	68,204	68,075	67,960	8,674	68,096	8,459

The Speaker of the House, Hon. George O. Miller, then declared that Honorable Chauncey Sparks, Hon. Handy Ellis, Hon. Howell Turner, Hon. John Brandon, Hon. Walter C. Lusk, Hon. E. B. Norton, Hon. Joe N. Poole, Hon. Robert B. Harwood were duly and constitutionally elected to the Office of Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Superintendent of Education, Commissioner of Agriculture and Industries, and Attorney General, respectively, for the term prescribed by law.

Mr. Simpson, President Pro Tem and Presiding Officer of the Senate, announced that the purposes of the Joint Session having been accomplished, the Senate would retire to its Chamber.

ROLL CALL

Present:

Messrs.:	Dodson	Kilborn	St. John (Lawrence)
Benson	Espy	Lawson	Shaver
Bentley	Garrett	Madison	Simpson
Black	Goodwin	McCary	Smith
Bradford	Henderson	Newton	Taylor
Brown	High	Pinson	Toomer
Carlton	Hill	Russell	Walton
Cobb	Hornsby	St. John (Cullman)	

ADJOURNMENT

At 12:35 P. M., on motion of Mr. Carlton, the Senate adjourned until tomorrow, Thursday, January 14, 1943, at 10 A. M

THIRD DAY

Thursday, January 14, 1943.

The Senate met pursuant to adjournment, President Pro-Tem, Mr. Simpson presiding.

PRAYER

The Session was opened with prayer by Dr. H. W. Du Bose, of Trinity Presbyterian Church, Montgomery.

ROLL CALL

Present:

Messrs.:	Dodson	Kilborn	St. John (Lawrence)
Benson	Espy	Lawson	Shaver
Bentley	Garrett	Madison	Simpson
Black	Goodwin	McCary	Smith
Bradford	Henderson	Newton	Taylor
Brown	High	Pinson	Toomer
Carlton	Hill	Russell	Walton
Cobb	Hornsby	St. John (Cullman)	

—30

JOURNAL

On motion of Mr. Lawson, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

RESOLUTION

Mr. Carlton offered the following Senate joint resolution:

S. J. R. 4. Be it resolved by the Senate, the House of Representatives concurring, that when the Legislature adjourns today it adjourn to meet again on Monday, January 18th, 1943 at 10:00 o'clock A. M.

And on motion of Mr. Carlton, the rules were suspended and the resolution adopted.

LEAVE OF ABSENCE

On motion Mr. Kilborn, leave of absence was granted Mr. Jones for today.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate joint resolution:

By Mr. Carlton:

S. J. R. 4. Be it resolved by the Senate, the House of Representatives concurring, that when the Legislature adjourns today it adjourn to meet again on Monday, January 18th, 1943, at 10:00 o'clock A.M.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,
Clerk.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Second day and finds same correct and containing all original entries and references thereto required by the Constitution.

Elvin McCary,
Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was read and on motion of Mr. McCary, said report was

concurred in and the Journal of the Senate for the second day was approved by the Senate.

ADJOURNMENT

At 10:45 A. M. on motion of Mr. Carlton, and in accordance with joint resolution heretofore adopted, The Senate adjourned until Monday, January 18, 1943, at 10 A. M.

SEVENTH DAY

Monday, January 18, 1943

The Senate met pursuant to adjournment, President Pro Tem, Mr. Simpson, presiding.

PRAYER

The session was opened with prayer by Rev. Pierce N. McDonald, Church of Ascension, Montgomery.

ROLL CALL

Present:

Messrs.:	Espy	Kilborn	St. John (Cullman)
Benson	Garrett	Lawson	St. John (Lawrence)
Bentley	Henderson	Madison	Shaver
Black	High	McCary	Simpson
Brown	Hill	Newton	Smith
Carlton	Hornsby	Pinson	Taylor
Cobb	Jones	Russell	Toomer
Dodson			—28

JOURNAL

On motion of Mr. Bentley, the reading of the Journal of the third day was dispensed with and same approved by the Senate.

LEGISLATURE

The Legislature of Alabama failed to meet on the Fourth, Fifth and Six days.

LEAVE OF ABSENCE

On motion of Mr. Madison, leave of absence was granted Mr. Goodwin, for today.

RESOLUTION

Mr. Carlton, offered the following resolution to-wit:

By Mr. Carlton:

S. J. R. 5. Resolved by the Senate, the House of Representatives concurring, that when the two houses adjourn today they adjourn to meet again at 10:00 o'cock A. M. tomorrow, Jan. 10th, 1943.

On motion of Mr. Carlton, the rules were suspended and the resolution adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in adopted the following Senate joint resolution:

By Mr. Carlton:

S. J. R. 5. Resolved by the Senate, the House of Representatives concurring, that when the two houses adjourn today, they adjourn to meet again at 10:00 o'clock A.M. tomorrow, Jan. 19th, 1943.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.
Clerk.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the third day and finds same correct and containing all original entries and references thereto required by the Constitution.

Elvin McCary,
Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was read and on motion of Mr. McCary, said report was concurred in and the Journal of the Senate for the third day was approved by the Senate.

ADJOURNMENT

At 10:10 A .M., on motion of Mr. Kilborn and in accordance with joint resolution heretofore adopted, the Senate adjourned until tomorrow, January 19, 1943, at 10 A. M.

EIGHTH DAY

Tuesday, January 19, 1943

The Senate met pursuant to adjournment, Lieutenant-Governor Ellis presiding.

PRAYER

The session was opened with Prayer by Rev. Hoyt A. Ayers, of Clayton Street Baptist Church, Montgomery.

ROLL CALL

Present:

Messrs.:	Espy	Lawson	St. John (Lawrence)	
Benson	Garrett	Madison	Shaver	
Bentley	Henderson	McCary	Simpson	
Black	High	Newton	Smith	
Bradford	Hill	Pinson	Taylor	
Carlton	Hornsby	Russell	Toomer	
Cobb	Jones	St. John (Cullman)	Walton	
Dodson	Kilborn			—29

JOURNAL

On motion of Mr. Shaver, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

RESOLUTION

Mr. Carlton offered the following resolution, to-wit:

S. R. 6. BE IT RESOLVED that Senate Rule 43, subparagraph 15, be amended so as to read as follows:

"15. On Immigration, Industrial Resources and Labor to consist of nine members."

And on motion of Mr. Carlton, the rules were suspended and the resolution adopted.

RESIGNATION OF MEMBERS OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. McCary, Chairman, Mr. Sam High, Mr. Orlan B. Hill, Mr. J. B. Benson, previously appointed as committee on Revision of the Journal, resigned as members of said committee.

STANDING COMMITTEES OF THE SENATE

In accordance with Rule 31, the Lieutenant-Governor announced the following appointments of the Standing Committees of the Senate.

COMMITTEE ON JUDICIARY

Shaver, Chairman; Taylor, Vice-Chairman; Andrew, Bentley, Brown, Cater, Clayton, Cobb, Hill, Kilborn, Madison, Newton, Roberts, St. John, (Cullman), Simpson, Smith, Walton.

COMMITTEE ON CONSTITUTION AND CONSTITUTIONAL REVISION AND AMENDMENTS

Henderson, Chairman; Bradford, Vice-Chairman; Andrews, Bentley, Brown, Carlton, Cobb, Dodson, Goodwin, High, Hornsby, Russell, St. John, (Cullman).

COMMITTEE ON FINANCE AND TAXATION

Simpson, Chairman; Toomer, Vice-Chairman; Benson, Bradford, Carlton, Cater, Espy, Goodwin, Hornsby, Kilborn, Lawson, Madison, Pinson, Shaver, Walton.

COMMITTEE ON BANKING

Lawson, Chairman; Espy, Vice-Chairman; Black, Cater, Garrett, High, Hornsby, Kilborn, St. John, (Cullman).

COMMITTEE ON INSURANCE

McCary, Chairman; Bentley, Vice-Chairman; Carlton, Cater, St. John, (Cullman), Simpson, Taylor.

COMMITTEE ON PUBLIC WELFARE AND CORRECTIONAL INSTITUTIONS

Walton, Chairman; Smith, Vice-Chairman; Dodson, Espy, Hill, Newton, Shaver, Simpson, Toomer.

CORPORATIONS

Russell, Chairman; Goodwin, Vice-Chairman; Andrews, Lawson, Madison, McCary.

COMMITTEE ON LOCAL LEGISLATION

Cobb, Chairman; Roberts, Vice-Chairman; Back, Brown, Hornsby, Jones, St. John, (Lawrence).

COMMITTEE ON EDUCATION

Madison, Chairman; St. John, Vice-Chairman (Lawrence); Andrews, Benson, Black, Bradford, Brown, Cater, Clayton, Cobb, Dodson, Garrett, Goodwin, Henderson, Hill, Newton, Smith, Taylor, Toomer, Walton.

COMMITTEE ON COMMERCE AND COMMON CARRIERS

Pinson, Chairman; McCary, Vice-Chairman; Goodwin, Jones, Roberts, Russell, Smith.

MINING AND MANUFACTURING

Newton, Chairman; High, Vice-Chairman; Cobb, Dodson, Espy, Garrett, Henderson, Jones, Madison.

COMMITTEE ON AGRICULTURE

Garrett, Chairman, Toomer, Vice-Chairman, Benson, Bentley, Espy, Goodwin, Henderson, High, St. John, (Cullman), Simpson, Taylor.

COMMITTEE ON MUNICIPALITIES AND MUNICIPAL ORGANIZATIONS

St. John (Cullman), Chairman; Smith, Vice-Chairman; Kilborn, Benson, Cater, Espy, Hornsby, Taylor.

COMMITTEE ON COUNTY AND COUNTY BOUNDARIES

Black, Chairman; Benson, Vice-Chairman; Bradford, Brown, Lawson.

IMMIGRATION, INDUSTRIAL RESOURCES AND LABOR

Cater, Chairman; Newton, Vice-Chairman; Black, McCary, Madison, St. John, (Cullman), Lawson, Russell, Toomer.

PUBLIC BUILDINGS AND GROUNDS

Roberts, Chairman; Russell, Vice-Chairman; Pinson.

PRIVILEGES AND ELECTIONS

Bentley, Chaiman; Lawson, Vice-Chairman; Andrews, Black, Clayton, Cobb, Jones, Pinson, Roberts, Russell, Smith.

COMMITTEE ON PRINTING

Dodson, Chairman; Black, Vice-Chairman; Bradford, Pinson, High,

COMMITTEE ON PUBLIC HEALTH

Jones, Chairman; Walton, Vice-Chairman; Carlton, Henderson, Shaver.

COMMITTEE ON MILITARY

Andrews, Chairman; Brown, Vice-Chairman; Clayton, Roberts, St. John, (Lawrence), Taylor, Walton.

TEMPERANCE

St. John, (Lawrence), Chairman; Cater, Vice-Chairman; Black, Carlton, Henderson, Kilborn, McCary, Simpson, Toomer.

ENGROSSED BILLS

B. Hill, Chairman; Madison, Vice-Chairman; Lawson.

ENROLLED BILLS

High, Chairman; St. John, (Cullman), Vice-Chairman, Bradford.

REVISION OF THE JOURNAL

Smith, Chairman; Dodson, Vice-Chairman; Jones, St. John, (Lawrence).

COMMITTEE ON PUBLIC ROADS AND HIGHWAYS

Clayton, Chairman; Hill, Vice-Chairman; Bentley, Bradford, Carlton, Dodson, Garrett, Henderson, High, Madison, McCary, Newton, Pinson, Russell, St. John, (Lawrence).

COMMITTEE ON FISH AND GAME

Taylor, Chairman; Andrews, Vice-Chairman; Brown, Benson, Bentley, Clayton, Hornsby, Kilborn, McCary, St. John, (Lawrence).

COMMITTEE ON FORESTRY AND CONSERVATION

Brown, Chairman; Pinson, Vice-Chairman; Benson, Black, Cobb, High, Hill, Jones, Roberts, Russell.

COMMITTEE ON RULES

Carlton, Chairman; Shaver, Vice-Chairman; Clayton, Kilborn, Simpson, Toomer, Espy.

COMMITTEE ON SEAPORTS

Kilborn, Chairman; Garrett, Vice-Chairman; Benson, Bentley, Bradford, Brown, St. John, (Cullman).

COMMITTEE ON AVIATION AND TRAFFIC

Espy, Chairman; Hornsby, Vice-Chairman; Dodson, Garrett, Goodwin, Hill, Newton.

LEAVES OF ABSENCE

On motion of Mr. McCary, indefinite leave of absence was granted Mr. Brown.

On motion of Mr. Shaver, leave of absence was granted Mr. Goodwin for today.

DOORKEEPER OF GALLERY APPOINTED

Lieutenant-Governor Ellis appointed Mrs. Katie Brown as Doorkeeper of the Gallery.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Norman of Bullock:

H. J. R. 8. BE IT RESOLVED by the House of Representatives, the Senate concurring, that a joint committee of five, consisting of three on the part of the House to be named by the Speaker of the House, and two on the part of the Senate to be named as provided by the rules of that Body, be appointed to wait upon the Governor of Alabama and inform him of the organization of the Legislature and its readiness to receive any communication he might desire to transmit.

And the Speaker named as the Committee on part of the House Messrs. Robertson of Cullman, Sullivan, and Boswell.

And sends same herewith to the Senate.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The Senate concurred in and adopted the resolution, H. J. R. 8, set out in the foregoing Message from the House, and Messrs. Simpson and Walton were appointed as committee on part of the Senate.

COMMITTEE APPOINTED

The Lieutenant-Governor appointed Messrs, Walton and Madison as committee on part of the Senate to escort Senator Lister Hill to joint session.

JOINT SESSION

At 11:40 A. M., and in accordance with joint resolution heretofore adopted, the Senate adjourned to the hall of the House of Representatives to hear the address of Honorable Lister Hill.

The joint session was called to order by Hon. L. H. Ellis, President of the Senate, who directed the Secretary to call the roll of the Senate, when the following members answered to their names:

Messrs.:	Black	Cobb	Garrett
Benson	Bradford	Dodson	Henderson
Bentley	Carlton	Espy	High

Hill	Madison	St. John (Cullman)	Smith
Hornsby	McCary	St. John (Lawrence)	Taylor
Jones	Newton	Shaver	Toomer
Kilborn	Pinson	Simpson	Walton
Lawson	Russell		

—29

The Speaker of the House then directed the Clerk of the House to call the roll of the House of Representatives, when the following members answered to their names:

Mr. Speaker	Dobbs (Elmore)	Jackson (Tallapoosa)	Posey
Allen	Dobbs (Fayette)	Johnson (Winston)	Pruet
Ard	Dodson	Johnston (Mobile)	Redd
Armstrong	Duffee	Jones	Robertson (Cullman)
Austin	Eddins	Kirby	Sanders
Bagley	Edwards	Locke	Sanderson
Barrett	Elrod	Lowe	Segrest
Beebe	Fite	Maples	Sessions
Bennett (Barbour)	Frasier	Martin	Sightler
Bennett (Calhoun)	Gillis	McCurdy	Smyer
Black	Givhan	McDonald	Snyder
Boswell	Golson (Butler)	McGinty	Stell
Bowling	Golson (Elmore)	McIlwain	Stewart
Brantley	Green	McPherson	Still
Bryan	Gullatt	Merrill	Stone
Byars	Gwin	Molette	Sullivan
Carnley	Hankins	Nettles	Thomas
Carter	Harris	Norman (Bullock)	Thompson
Chichester	Harrison	Norman (Lowndes)	Tidmore
Christopher	Head	Owens	Tucker
Cobb	Henderson	Payne	Walker
Coburn	Hodges	Pill	Ward
Cole	Hodo	Pool	White
Dearman	Hooton	Porter (Choctaw)	Wood
Deason	Jackson (Chambers)	Porter (Henry)	Wright

—100

The President of the Senate announced that there was a quorum of the Legislature of Alabama present, and the purpose of the joint session was to hear the address of Hon. Lister Hill.

Thereupon Senator Hill was escorted to the chair and delivered his address to the Legislature of Alabama.

The purpose of the joint session having been accomplished the Senate returned to its Chamber and was called to order by Lieutenant-Governor Ellis.

ROLL CALL

Present:

Messrs.:	Bradford	Espy	Hill
Benson	Carlton	Garrett	Hornsby
Bentley	Cobb	Henderson	Jones
Black	Dodson	High	Kilborn

Lawson	Pinson	Shaver	Taylor
Madison	St. John (Cullman)	Simpson	Toomer
McCary	St. John (Lawrence)	Smith	Walton
Newton			

—28

RESOLUTION

Mr. Carlton offered the following Senate joint resolution to-wit:

S. J. R. 7. Be it Resolved by the Senate, the House of Representatives concurring, that when the two Houses adjourn today, they adjourn to meet tomorrow Wednesday, January 20, 1943, at 10 A. M.

And on motion of Mr. Carlton the rules were suspended and the resolution adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Pill:

H. J. R. 9. BE IT RESOLVED that the House of Representatives of the State of Alabama, the Senate concurring, commend the Honorable Lister Hill, Senator of the United States from Alabama, for his co-authorship and the Honorable John H. Bankhead, Senator of the United States from Alabama, for his support of Senate Bill 1313 of the 78th Congress providing for Federal support of Education throughout the States of the Nation, preserving local control by the States of the educational program, and urge their continued effort in support of the objectives of said bill in the Congress of the United States.

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to the Honorable Lister Hill and the Honorable John H. Bankhead by the Clerk.

And sends same herewith to the Senate for its consideration.

R. T. Goodwyn, Jr.
Clerk.

HOUSE MESSAGE

The resolution, H. J. R. 9, set out in the foregoing Message from the House was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate joint resolution:

By Mr. Carlton:

S. J. R. 7. Be it resolved by the Senate, the House of Representatives concurring, that when the two Houses adjourn today, they adjourn to meet tomorrow, Wednesday, January 20, 1943, at 10 A.M.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.
Clerk.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the seventh day and finds same correct and containing all original entries and references thereto required by the Constitution.

Jim Smith, Jr.,
Chairman.

COMMITTEE REPORT

On motion of Mr. Smith, the foregoing report was concurred in and the Journal of the Senate for the seventh day approved by the Senate.

ADJOURNMENT

At 12:50 P. M., on motion of Mr. Simpson, the Senate adjourned until tomorrow, January 20, 1943, at 10 A.M.

NINTH DAY

Wednesday January 20, 1943.

The Senate met pursuant to adjournment, Lieutenant-Governor Ellis, presiding.

PRAYER

The session was opened with prayer by Rev. W. W. Jeffries, of the Forest Avenue Methodist Church, Montgomery.

ROLL CALL

Present:

Messrs.:	Dodson	Kilborn	St. John (Lawrence)
Benson	Espy	Lawson	Shaver
Bentley	Garrett	Madison	Simpson
Black	Henderson	McCary	Smith
Bradford	High	Newton	Taylor
Carlton	Hill	Pinson	Toomer
Cobb	Jones	St. John (Cullman)	Walton

—27

JOURNAL

On motion of Mr. Simpson, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Hill, leave of absence was granted Mr. Hornsby for today.

On motion of Mr. Shaver, leave of absence was granted Mr. Goodwin for today.

APPOINTMENT OF INTERIM COMMITTEES

The Lieutenant-Governor announced the following as members of the Interim Committees:

AGRICULTURE

Garrett, Henderson, Cobb.

HIGHWAYS

Carlton, High, Hornsby.

WAR EMERGENCY LEGISLATION

Bentley, Hill, Taylor.

PUBLIC WELFARE

Bradford, Pinson, Walton.

FINANCE AND TAXATION

Kilborn, Shaver, Simpson.

HEALTH

Black, Jones, St. John (Lawrence).

EDUCATION

Madison, McCary, Toomer.

JUDICIARY

Newton, St. John (Cullman), Cater.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Norman of Bullock:

H. J. R. 10. BE IT RESOLVED by the House, the Senate concurring, that a Joint Committee of three from the House, to be appointed by the Speaker of the House, a Committee of three from the Senate, be appointed to wait upon the Governor and advise him that the Legislature has completed its business and is ready to adjourn sine die.

And the Speaker has appointed as the committee on the part of the House, Messrs. Norman (Bullock), Jackson (Tallapoosa) and McDonald.

And sends same herewith to the Senate for its consideration.

R. T. Goodwyn, Jr.,
Clerk of the House.

HOUSE MESSAGE

On motion of Mr. Simpson, the rules were suspended and the resolution, H. J. R. 10, set out in the foregoing Message from the House, was adopted by the Senate.

The Lieutenant-Governor appointed Messrs. Simpson, Taylor and Bentley as committee on part of the Senate.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the eighth and ninth days and finds same correct and containing all original entries and references thereto required by the Constitution.

Jim Smith, Jr.,
Chairman.

COMMITTEE REPORT

On motion of Mr. Smith, the foregoing report was concurred in and the Journal of the Senate for the eighth and ninth days approved by the Senate.

ADJOURNMENT

At 10:40 A. M., on motion of Mr. Carlton, the Senate adjourned Sine Die.

Handy Ellis,

Lieutenant-Governor and President and Presiding Officer of the Senate.

Attest:
J. E. Speight,
Secretary.

ORGANIZATIONAL SESSION
1943

Pages

FIRST DAY—Tuesday, January 12, 1943 3

SECOND DAY—Wednesday, January 13, 1943 40

THIRD DAY—Thursday, January 14, 1943 47

SEVENTH DAY—Monday, January 18, 1943 49

EIGHTH DAY—Tuesday, January 19, 1943 51

NINTH DAY—Wednesday, January 20, 1943 61

INDEX

COMMITTEES
Appointment of Committee on Revision of the Journal, page 17.
Appointment of members of Standing Committees of the Senate, page 52.
Resignation of members of committee on Revision of the Journal, page 52.

DOORKEEPER OF GALLERY
Appointment of, page 55.

ELECTIONS
President Pro-Tem., page 3.
Secretary of Senate, page 3.
Assistant Secretary, Enrolling-Engrossing Clerk, Doorkeeper, Assistant Doorkeeper, pages 5, 6.

GOVERNOR
Message from Governor informing Senate of resignation of Hon. Chas. A. Stakely, page 17.

HOUSE MESSAGE
Notifying Senate of organization and election of officers, page 35.

INTERIM COMMITTEES
Appointment of, page 60.

JOINT RULES
Adoption of, page 37.

JOINT SESSION
To hear Governor's message, page 18.
Witnessing returns of election, page 41.
To hear address of Hon. Lister Hill, page 56.

OATH OF OFFICE
President Pro-Tem., page 3.
Officers of Senate, page 7.
Senator Jim Smith, page 41.

RESOLUTIONS
S. R. 1.—Naming of Messengers and Pages of Senate, page 6.
S. R. 2.—Relative to Rules of the Senate, page 7.
S. J. R. 3.—Relative to Joint Rules, pages 17-36.
S. J. R. 4.—Adjournment, page 48.
S. J. R. 5.—Adjournment, page 50.
S. R. 6.—Amending Senate Rules, page 51.
S. J. R. 7.—Adjournment, pages 58-59.
H. J. R. 3.—Joint Session to hear Governor, page 17.
H. J. R. 4.—Joint Session for opening of returns of election of Executive Officers of the State, page 36.
H. J. R. 5.—Inviting Hon. Lister Hill to Address Legislature, page 39.
H. J. R. 8.—Committee to inform Governor of organization of Legislature, page 56.
H. J. R. 9.—Commending Hon. Lister Hill and Hon. John Bankhead for support of measure in Congress providing for Federal support of education, page 58.
H. J. R. 10.— Informing Governor Legislature ready to adjourn sine die, pages 61-62.

JOURNAL

OF

THE SENATE

OF THE

STATE OF ALABAMA

REGULAR SESSION OF

1943

Held in the City of Montgomery, commencing
Tuesday, May 4, 1943



VOL. I

With an index prepared by the
Secretary of the Senate

Birmingham Printing Company
State Printers and Binders
Birmingham, Alabama
1943

JOURNAL

OF

THE SENATE

OF THE

STATE OF ALABAMA

FIRST DAY

Tuesday, May 4, 1943.

This being the first Tuesday in May, A.D. 1943, and the day fixed by law and the Constitution of the State of Alabama for the biennial meeting of the Legislature of Alabama:

The Senate of Alabama assembled in the Senate Chamber in the City of Montgomery, at the Capitol, at 12 o'clock Noon, and was called to order by Lieutenant-Governor L. H. Ellis, President of the Senate.

J. E. Speight, Secretary was present and acted as such, according to law.

PRAYER

The session was opened with prayer by Father Delahunty of St. Peter's Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Dodson	Jones	St. John (Lawrence)
Benson	Espy	Kilborn	Shaver
Bentley	Garrett	Lawson	Simpson
Black	Goodwin	Madison	Smith
Bradford	Henderson	McCary	Taylor
Brown	High	Pinson	Toomer
Carlton	Hill	St. John (Cullman)	Walton
Cobb	Hornsby		

—29

LEAVES OF ABSENCE

On motion of Mr. Madison, leave of absence was granted Mr. Newton for to-day.

On motion Mr. Taylor, indefinite leave of absence was granted Mr. Andrews.

On motion Mr. Taylor, indefinite leave of absence was granted Mr. Clayton.

To the Senate of Alabama
Montgomery, Alabama

Gentlemen:

Since your last meeting I have received resignations from the following:
Senator Kenneth A. Roberts—From the Eighth District
Senator Edgar P. Russell—From the Thirtieth District.

Respectfully,
CHAUNCEY SPARKS
Governor

May 4, 1943

GOVERNOR'S MESSAGE

The foregoing message from His Excellency, the Governor, relative to the resignations of Senator Kenneth A. Roberts and Senator Edgar P. Russell, was read and ordered spread upon the Journal.

CERTIFICATE OF ELECTION

The State of Alabama
Department of State

I, Howell Turner, Secretary of State of the State of Alabama, do hereby certify that since the election held on November 3, 1942, and the canvass of the returns of said election made in this office, at which said election members of the House of Representatives and Senate were elected, special elections have been held in two senatorial districts, at which the following were elected for the unexpired term of their predecessors:

Silas D. Cater—State Senator from 28th senatorial district elected January 26, 1943 to succeed Charles A. Stakely, resigned.

John L. Sherrer—State Senator from 30th senatorial district elected March 23, 1943 to succeed E. P. Russell, resigned

I do further certify that the certificate of election required by law to be furnished by me to the State Senators has been mailed to each of the above members shown to be elected by the returns of election made to this department.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State, at the Capitol, in the City of Montgomery, this the 4th day of May, 1943.

(Signed) Howell Turner,
(Seal) Secretary of State.

OATH OF OFFICE

Mr. Cater offered the following:

OATH OF OFFICE OF SILAS D. CATER

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama so long as I continue a citizen thereof, and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter to the best of my ability. So help me, God.

Silas D. Cater.

Sworn to and subscribed before me, this the 15th day of February, 1943.

Thomas S. Lawson,
Associate Justice of the Supreme Court of Alabama.

Which was read and ordered spread upon the Journal.

OATH OF OFFICE

Mr. Sherrer offered the following:

OATH OF OFFICE

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama so long as I remain a citizen thereof and that I will honestly and faithfully discharge the duties of the office upon which I am about to enter to the best of my ability, so help me God.

John L. Sherrer.

Sworn to and subscribed before me on this the 20 day of April, 1943.

Thos. S. Lawson,
Associate Justice, Supreme Court of Alabama.

Which was read and ordered spread upon the Journal.

RESOLUTIONS

Mr. Carlton offered the following Senate resolution

S. R. 1. Resolved by the Senate that the Secretary is hereby instructed to notify the House of Representatives that the Senate is now in session and ready for the transaction of public business.

And on motion of Mr. Carlton, the Rules were suspended and the resolution adopted.

Mr. Carlton also offered the following Joint Resolution

S. J. R. 2. BE IT RESOLVED BY THE SENATE, the House of Representatives concurring, that the two houses convene in Joint Session today at 1 o'clock P. M. for the purpose of hearing the Message of Honorable Chauncey Sparks, Governor.

And on motion of Mr. Carlton, the rules were suspended and the resolution adopted.

Mr. Kilborn offered the following Senate resolution, to-wit:

S. R. 3. Resolved by the Senate that the President appoint one additional member of the Committee on Forestry and Conservation.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

I am directed by the House of Representatives to notify the Senate that the House of Representatives is now in session and is ready for the transaction of public business.

R. T. Goodwyn, Jr.,
Clerk.

COMMITTEE APPOINTMENTS ANNOUNCED

The Lieutenant-Governor and President of the Senate announced the following committee appointments:

Mr. Cater—Committee on Judiciary, Committee on Finance and Taxation, Committee on Banking, Committee on Insurance, Committee on Education, Committee on Municipalities and Municipal Organizations. Chairman of Committee on Immigration, Committee on Industrial Resources and Labor, Vice-Chairman on Committee on Temperance.

Mr. Sherrer—Committee on Constitution and Constitutional Revision and Amendments, Committee on Public Roads and High-

ways, Committee on Forestry and Conservation, Chairman of Committee on Corporations, Committee on Commerce and Common Carrier, Committee on Immigration, Committee on Industrial Resources and Labor, Vice-Chairman of Committee on Public Buildings and Grounds, Committee on Privileges and Elections.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By: Mr. Norman of Bullock:

H. J. R. 2. Resolved by the House, the Senate concurring, that a committee of three members of the House, to be appointed by the Speaker of the House, and two members of the Senate, to be appointed by the President of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of public business.

Be it further resolved, that the Legislature convene in joint session in the Hall of the House of Representatives at one o'clock today, May 4, 1943, to receive a Message from the Governor, and that the committee raised under this resolution notify the Governor of this invitation and report his wishes to the Legislature.

And the Speaker named as the Committee on the part of the House Messrs: Boswell, McCurdy, Duffee.

And sends same herewith to the Senate for its consideration.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

On motion of Mr. Walton, the resolution, H. J. R. 2, set out in the foregoing Message from the House, was concurred in.

And the President of the Senate appointed Messrs. Bentley and Taylor as Committee on the Part of the Senate.

COMMITTEES DESIGNATED TO NAME CLERKS

The Lieutenant-Governor and President of the Senate announced that the following committees would be allowed clerks to be named by the Chairman of the respective committees:

Committee on Rules.

Committee on Judiciary.

Committee on Finance and Taxation.

Committee on Public Welfare and Correctional Institutions.

Committee on Education.

Committee on Agriculture.

JOINT SESSION

The hour of 1 o'clock having arrived, on motion of Mr. Carlton and pursuant to joint resolution heretofore adopted, the Senate adjourned to the Hall of the House of Representatives for the purpose of hearing the Message of His Excellency, the Governor.

The joint session was called to order by Honorable L. H. Ellis, President of the Senate, who directed the Secretary to call the roll of the Senate, when the following members answered to their names:

Messrs.:	Cobb	Hornsby	St. John (Lawrence)
Benson	Dodson	Jones	Shaver
Bentley	Espy	Kilborn	Sherrer
Black	Garrett	Lawson	Simpson
Bradford	Goodwin	Madison	Smith
Brown	Henderson	McCary	Taylor
Carlton	High	Pinson	Toomer
Cater	Hill	St. John (Cullman)	Walton

—31

The Speaker of the House then directed the Clerk of the House to call the roll of the House of Representatives, when the following members answered to their names:

Mr. Speaker	Christopher	Green	Martin
Allen	Cobb	Gullatt	McDonald
Ard	Coburn	Gwin	McGinty
Armstrong	Cole	Hankins	McIlwain
Austin	Dearman	Harris	McPherson
Bagley	Deason	Harrison	Merrill
Barrett	Dobbs (Elmore)	Head	Molette
Beebe	Dobbs (Fayette)	Henderson	Nettles
Bennett (Barbour)	Dodson	Hodges	Norman (Bullock)
Bennett (Calhoun)	Duffee	Hodo	Norman (Lowndes)
Black	Eddins	Hooton	Owens
Boswell	Edwards	Jackson (Chambers)	Payne
Bowling	Elrod	Jackson (Tallapoosa)	Pill
Brantley	Fite	Johnson (Winston)	Pool
Bryan	Frasier	Johnston (Mobile)	Porter (Choctaw)
Byars	Gillis	Jones	Posey
Carnley	Givhan	Kirby	Pruet
Carter	Golson (Butler)	Locke	Rains
Chichester	Golson (Elmore)	Lowe	Robertson (Cullman)

Robinson (Lowndes)	Smyer	Sullivan	Walker
Sanders	Snyder	Taylor	Ward
Sanderson	Stell	Thomas	White
Segrest	Stewart	Tidmore	Wood
Sessions	Still	Tucker	Wright
Sightler	Stone		

—98

The President of the Senate announced that there was a quorum of the Legislature of Alabama present, and that the purpose of the joint session was to hear the Message of His Excellency, the Governor.

Thereupon, Governor Sparks was escorted to the chair and delivered his message in words and figures as follows, to-wit:

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES:

We begin our joint labors under unprecedented circumstances. Our Nation is engaged in a terrific struggle to maintain the principles of government which have long been dear to our people. There naturally follow conditions which are out of joint and unusual, leaving us no background against which to plan our future.

Since taking office I have tried to analyze the conditions we face and the tasks we need to undertake. All the departments of our State government are functioning well. The new heads of departments are familiarizing themselves with their work, and are anxious to promote the welfare of our State. We are all learning. We shall have much more to learn. Our whole efforts will be, and should be, determined by the tasks we have, service to our people, and promotion of their welfare.

I find that our people are somewhat dislocated so far as permanent employment is concerned, and so far as their economic status will need be established after the war. By and large, however, I think our people are abundantly employed at good wages, and our agricultural efforts are both helpful to our Nation and profitable to those engaged in them.

We have today inducted into the Army many thousand Alabamians. There will be many more when the Army of our country reaches the maximum to which it is the expectation of our National government to increase it.

Our industries, particularly the larger industries, are engaged in the production of war material to the extent of their ability, resulting in abundant employment. Our small industries, no doubt, are suffering some and will continue to suffer because of inability to secure material and labor to produce consumer goods. We should give consideration to every means by which we can im-

prove their condition, their employment, and the guarantee of continuation.

The demand for labor in war industries has to a considerable extent affected our agricultural program. Labor is in great demand, not only in industry, but on farms. This, no doubt, is a national condition, and there is little we can do about it except to encourage our people to redouble their efforts in order that we may not reduce the quantity of production on our farms. Food is essential. It is up to those of us left behind to see that we have an abundance for our Army, our allies, and our own people. We should establish any agency that would promote the proper distribution of our manpower to the end that no necessary activity will suffer.

It is gratifying to see and to feel the patriotism which prevails among our people. Alabama has responded to every call. It has been generous in its purchase of war bonds, support of the Red Cross, of the United Service Organizations, and of every demand made upon it. There is no question that Alabama has dedicated herself, along with all the other of our neighboring states, to expend its total resources, if necessary, to win this war. I hope, and I know you share in this hope, that nothing will deter us, nothing will shake our faith and nothing will prevent us from aiding in bringing about the peace we so earnestly hope for.

While we are giving much to the war effort, we must remember there are duties for us to perform in order that our state may continue a functioning service agent in promoting the welfare of our people. We must not forget our internal needs, nor should we fail to provide and maintain all agencies necessary to keep Alabama a Democracy, and a serving Democracy.

May I take this opportunity to compliment your two Bodies upon the work which has already been done. The Interim Committees appointed under Joint Resolution of the Special Session in November, 1942, have approached their work as patriotic citizens, anxious to be of service, and to be helpful. They have done a good work. The fruits of their efforts should not only find a response from the Legislature as a whole, but should relieve the Legislature of much of the drudgery and study which these Committees have taken to themselves and performed in an excellent manner.

Your duty and mine, as I see it, in conditions we now face, is to provide for a continuation of the efforts Alabama has undertaken in fields in which it has heretofore served. We should preserve order. We should coordinate all of our efforts with our national undertaking. We should refrain from additional taxes upon our people at this time. We should live within our income and maintain as high standard of service as that income will permit.

As you know, there has been an unusual increase in our tax income. This is not normal. It is brought about by more or less an inflated condition which inevitably follows a turn from peace to war. We should in the beginning realize that this condition will not always continue; that some day we will return to normal again. There is no way by which we can estimate what will be the income of our state in any one year. It would be the part of wisdom to provide for any unforeseen reduction in income from taxes and for a decreased ability to maintain as high standard of government as you and I should like. We must be realists. We cannot be dreamers in times like these. A practical approach to our problem now will relieve us of much worry in the years ahead.

The surplus we have accumulated should be diligently guarded; protected from inroads, and preserved for two purposes: to prevent as near as possible a reduction in our standards, and a collapse of any of the many services which our state is now rendering. To this end I earnestly recommend to your Bodies the creation of special and general surpluses that will, as near as we see, protect us against the disasters which may come.

Let me take up with you some recommendations for consideration. Most of them are based upon recommendations of your Interim Committees, with which I have very closely and pleasantly worked.

AGRICULTURE

Alabama is a farming state. More than one-third of our people actually live on the farm. Their welfare determines the level of economic prosperity which we as a people can attain. If we neglect agriculture we neglect the principal part of a daily life of a large portion of our people. Much has been accomplished in the past in the form of experiment, extension, improvement and teaching. Much remains to be done. We may not be able to do it all but we can begin, and put into effect those forces and agencies which will finally make our farming people a prosperous group.

One of the principal studies, which to my way of thinking, will be helpful to agriculture is that of marketing. It is commonplace to say that Alabama is blessed by nature. It has excellent climate, rainfall, and soil. It can produce nearly every product of human and animal consumption. It needs somewhere to sell it.

I recommend that there be provided at Auburn, through the Extension Service, means for a careful study and teaching of production and marketing. This will require an expenditure of $75,000.00 per year for adequate staffing, planning, and promotion of state-wide and regional studies of the production and marketing of

farm products. It should be done through specialists trained in this character of work and related to all of the principal crops Alabama does and can produce.

In connection with this effort we should also provide for the location and establishment of adequate physical marketing facilities. It is my suggestion that this be done through the creation of an Alabama State Markets Board. This Board should study location and character of marketing which would be serviceable and helpful to our farming people, and should correlate the efforts of our studies in production and marketing so that we might gain the greatest benefit to the agricultural interests of the state. The Board should give careful study, not only to the concentration of farm produce for distribution or sale, and that in relation to centers of population, but also as to highway and railroad and air terminal facilities. In addition, present and improved methods of inspection, grading, standardization, classification, and also processing or preparing for market through refrigeration, dehydration, canning and packing of farm products, should be carefully studied and related to all market installations.

We have observed in the past the effect of regional soil experiment stations and their value to farmers who reside within particular soil areas. There are five of these stations at this time, covering all of the soil areas of Alabama with the exception of what is called "The Piedmont Area". This area is embraced within the whole or part of thirteen counties in the East and Northeastern part of our state. It is in need of such a soil experiment station. I recommend to the Legislature appropriation for the building and operation of such station in the Piedmont Area.

Alabama has begun in recent years the raising of livestock for market. This has added considerable to the income of farmers and brought about a more balanced agricultural condition. Many sections of our state are well adapted to the raising of livestock. Improvement of our quality of stock and of our pastures will bring about a larger income and a better demand. I recommend a continuation of the appropriation of $40,000.00 from the General Fund to be used for the purpose of eradicating Bangs Disease from cattle.

Bills have been prepared and will be offered for your consideration to carry into effect these suggestions to aid agriculture.

May I not also recommend to your consideration the study of diseases and pests of row crops, the elimination of all kinds of livestock diseases so that our efforts will not be neutralized, and that we may obtain the largest production in quality and quantity of the things our farmers can produce. This study can be promoted through agencies already created. Adequate resources are not immediately available, but we can begin to support this character of

study and the use of all discovered methods to prevent pests and diseases among our plant life, our livestock and poultry, by a conditional appropriation to our already established experiment work.

EDUCATION

Modern civilization cannot endure without education. Democracy is so interwoven with education that its maintenance is jeopardized without it. Alabama has been foresighted in providing as much support to education as the condition of her people would permit. If it be possible we should not recede from the standard we have already attained. Today Alabama is spending about 33c out of every dollar which comes into the general treasury of the state for education.

Adequate support from the Special Educational Trust Fund should be given to education. The educational leaders of our state can foresee as well as any of the rest of us the uncertainties which lie ahead. In planning a standard of education these uncertainties should be taken into consideration.

For the school year 1942-43 education will receive from State monies $3,835,901.86 more than it has ever received before. The pattern of our work has been made from this standard. We should at least endeavor to maintain that standard. If our revenues permit we should improve and increase the standard, always remembering that the degree of support will depend upon the quantity of revenues available.

There is today a surplus in what is called "The Special Educational Trust Fund" of $8,587,654.57. This probably may be larger at the close of the fiscal year, September 30, 1943. We cannot hope to use all of it at one time. To do so would impoverish our schools for the succeeding four years. I recommend to you restrictions on the use of this surplus, so that not more than one-fourth of it can be used in any one of the next four years. In addition, I would earnestly recommend that any further surpluses which may accumulate at the end of any fiscal year in what is known as "The Special Educational Trust Fund" be placed in this surplus to replenish any part thereof which may have been used. As responsible government bodies, the Legislature and the Executive, cannot afford to create a vacuum which must be filled by an incoming administration. It should rather be our desire that we so handle our resources, and so protect any unusual and unprecedented surpluses, that our educational program may continue without harm and without the need to fill this vacuum with additional taxation.

Careful thought should be given by all of us responsible for the administration of the government to increasing and improving our

vocational guidance and training. If we are to industrialize Alabama adequately in connection with its agricultural efforts, we must have trained boys and girls. One of the hindrances to bringing industries to Alabama which supplement our economy has been a lack of skilled labor. We can secure this skilled labor through our school system. We can equip our boys and girls in aiding in this movement of a balanced industrial economy by offering proper vocational guidance and training.

Our teachers are underpaid. Their salary has been raised the current year, but not enough. The least we can do in order partially to remove their inequality of pay as compared with private industry is to provide security for our teachers when they have reached the age of retirement. I recommend to you an appropriation from the Special Educational Trust Fund of a sufficient amount to place the Teacher Retirement Fund on a safe and sound basis.

Alabama's population consists of two races—the White race and the Negro race. It would be a shortsighted policy to fail to educate both. Whatever sphere in life they may occupy, that sphere is better filled if each be educated. Because of impoverished conditions of our State since 1865 we have not been enabled to do all we should have done for the education of the Negro. As an economic asset he is of value if trained. He is a part of our body politic. He has a right to request of us adequate provision for the education of his race. I recommend to your earnest consideration an improvement by way of increased appropriation, to our two Negro institutions of higher learning, the one at Montgomery known as The Alabama State Teachers College, and the one at Normal, near Huntsville, known as The Agricultural and Mechanical Institute for Negroes. They are both doing a good work. The results of an improvement of that work will grow as the years pass.

Tuskegee Institute at Tuskegee, Alabama, has done a great work in training Negro boys and girls. It was founded by the foresight of our predecessors as a State institution in 1881. Then a small appropriation was made to establish the institution. It grew by voluntary and charitable contributions, to be one of the largest institutions of learning for Negroes in the world. It touches our own life at many points. For us to be isolated from it is to neglect a duty to ourselves and to the Negro race, which we cannot afford to neglect. Tuskegee should be tied in with the educational system of Alabama to the extent it is willing to go along with us. It can be helpful to us and we to it. There are certain fundamentals of racial relationship which should never be lost sight of. These fundamentals do not prevent the proper training and education of the Negro race at Tuskegee. The traditions of the South are a worthy

inheritance. The Negro is a part of that tradition. The association with and contact through our educational system will promote the preservation of that tradition.

At Tuskegee there is a demand for graduate work in certain elementary fields which it has provided for the Negro race. It comes now to you and asks that you make a small appropriation for the establishment and maintenance of graduate work in these fields. With such establishment and promotion the educational system of Alabama should be tied in. The Superintendent of Education should be connected with the work at Tuskegee when appropriations are made by the State, just as he is with the other institutions for Negro training in Alabama. We cannot refrain longer from providing adequate facilities for all training for which the Negro is capable.

I recommend to your fair and serious consideration an appropriation of $100,000.00 for beginning, at Tuskegee, the work on the graduate level in agriculture, rural education, and home economics.

We have in the past had several studies of Alabama's educational system. These studies have largely been made by outsiders. It would be well for you to consider such a study by Alabama educators and business men, and provide for the creation of a commission to study and recommend to the Legislature, when it next convenes, certain changes in our system and certain new reorganizations which will make for better educational endeavor.

FINANCE AND TAXATION

Your Interim Committee on Finance and Taxation has given very serious and careful study to our fiscal condition. It has recommended to you a budget which I have adopted and which I will submit to you.

Certain changes in our laws relating to the collection of taxes may be needed and necessary. These changes will be suggested to you by measures submitted through the Revenue Department.

HEALTH

The health of our people is an important factor in their happiness and prosperity. Alabama has done a good work in public health. Every effort should be made to promote this work and increase it according to our ability.

There should be provision made for adequate treatment and control of tuberculosis, of venereal diseases, and cancer, and of all contagious and infectious diseases through our public health work.

Our eleemosynary institutions should be adequately provided for. There is a large population at Bryce Hospital in Tuscaloosa, at the Institution for Feeble Minded and at the Hospital at Mount Vernon. These unfortunates cannot be neglected. They must have proper quarters, guards, nurses, medical atttention and food. With rising cost of living it becomes necessary to increase the weekly allotment per patient in these institutions.

Alabama once had a four-year medical college. Many of the physicans now practicing in this state were graduates of that institution. We now have a two-year medical school at the University. To meet the demands made upon the medical profession and to increase the number who engage in this profession, it is highly desirable that the two-year course be increased to a four-year course. I recommend to the Legislature a conditional appropriation for the construction and operation of a four-year medical school in Alabama.

HIGHWAYS

The problem we now face in highways is a matter of maintenance. There are no Federal funds, for the duration of the war, allotted to Alabama for road construction. The investment we have in highways, amounting to several hundred millions of dollars, cannot be neglected. While our gas tax is diminishing, it is the hope of the head of this department that there will be sufficient funds to maintain our state and county roads during the emergency. If there is not sufficient funds, currently available for maintenance and payment of debt service charges on outstanding bond indebtedness, I recommend to the Legislature the consideration of the question of probably refunding principal maturities of bonds for not longer than five years, so that we may use current income for needed and necessary maintenance.

We should now plan construction of highways when the war is over, and should be prepared to begin immediate construction at such time. To this end proper plans should be made through necessary agencies, or through the Highway Department itself, for post-war planning of road construction.

Particularly is this necessary in our feeder, or farm-to-market roads. While we have a considerable mileage of main highways we have left largely to the counties the construction of county roads which feed into the main highways. To promote a permanent prosperity more attention should be given to these feeder roads. They are vital to the comfort and prosperity of the agricultural people of Alabama. A definite plan of promoting this essential service can now be undertaken, to become effective and begin actual construction when the war is over.

PUBLIC WELFARE

I recommend to the Legislature increased funds for Old Age Assistance in the manner in which we now provide for this service. To accomplish this I suggest that there be appropriated to the counties, earmarked specifically for Old Age Assistance, the sum of $650,000.00 from current revenues derived from the sales tax. In addition, there should be an equal appropriation from the general fund for this purpose.

We cannot neglect our needy aged. Any funds that are appropriated to this cause are matched by the Federal government. It is my hope that we shall some day attain a worthy goal of not less than thirty dollars per month to all needy aged people in Alabama. Such a goal we may not be able to reach during our administration, but we can help along the way, and start a program that some day will give adequate support to those who are entitled to it.

All other activities of the Public Welfare Department should be stimulated and encouraged.

WAR EMERGENCY LEGISLATION

Your Interim Committee on War Emergency Legislation has given careful study to many things which present conditions require our state to undertake.

Civilian Defense is necessary. It may be that we shall never be attacked on our own soil by our enemies. We should not be too sure of this. There has been in operation in Alabama, for more than a year, a Civilian Defense organization. It was created by the former administration and its expenses paid from the Emergency Fund. I recommend to the Legislature that this activity be made a part of our State government, legalized and supported by sufficient appropriation.

It is entirely possible that our own economic picture may be changed at the end of the war. We should begin now to plan for post-war conditions. This would take the form of public works, of employment, of rehabilitation and providing for a re-adjustment of our social and economic conditions brought about by the return of our soldiers and by the shutting down of war industries and war activities.

I recommend to the Legislature the creation of a Planning Board which shall provide methods, and suggest ways and means of putting Alabama in the forefront of industrial and agricultural development after the war, and to provide for the absorption of unemployment and returning soldiers. It would be an act of injustice to have our boys return to idleness. They are giving the better

part of their life to preserving for us, and them, our way of life. Such a Board as I suggest, and has been recommended by the War Emergency Interim Committee, is a step in the right direction. It shows good faith, our willingness to provide for those who have a right to demand provision.

In connection with this, and in order to relieve want and destitution, there should be created in the state a corporation which has the power and authority to utilize resources and credit in providing employment to those who may need it. At the same time it would provide needed public works, public buildings, and promote worthy projects.

I earnestly recommend your consideration of a bill which creates this kind of corporation.

As I have stated before, we must prepare for an emergency surplus in our treasury. There will be suggested for your consideration a bill providing for this emergency fund. It should be dedicated to: first, carrying on all the services of our state government when funds begin to sag, and, second, for post-war construction and rehabilitation.

Many other temporary provisions in our laws, caused by civil and economic changes because of the war, should claim your attention. Among them would be fiduciary relationships entered into before the war, acknowledgment of instruments before a commissioned officer of the Army, providing for proof of handwriting of the testator in establishing a soldier's will, regulating powers of attorney, unemployment compensation to soldiers entitled thereto when inducted into the Service and who are unable to find employment immediately upon their return, and many other matters which have been embodied in bills submitted for your consideration.

JUDICIARY

May I recommend to your consideration the matter of providing fees for attorneys appointed to defend indigent capital cases. The fee should be limited and provision made for appeals.

In this connection, I would also urge upon your consideration the requirement that every capital case in which the death penalty is fixed by the jury be appealed to the Supreme Court for consideration of both facts and errors by the Court.

It would not be unwise to provide for the appointment of a certain number of notaries public for the State-at-large.

Other matters, such as corrections in the Code, adjustment of costs and fees, placing of sheriffs on salary rather than fees, adjusting compensation of court reporters, will occur to you from time to time.

The equalization boards, which have been in office for the last four years, in many instances, have done a good work. It has been the practice of the State for many years to have a supervisory agency, as far removed from politics and local influences as possible, to pass upon tax assessments. This is not taking away, as I see it, the right of local self-government. It is in the interest of equality of tax assessments upon all the people, reduction where necessary, and increases where required. Until some better method is devised than the old method, which relegated such matters to the Courts of County Commissioners, I respectfully urge the retention of the equalization boards.

LABOR

I recommend to the Legislature the creation of a Department of Labor for the purpose of administering our labor laws and stimulating a study of employer and employee relationship. In addition to the creation of the Department we should provide laws regulating, in the interest of employer and employee and the public, matters which affect their welfare. Strikes should be avoided whenever possible. They are an economic loss not only to the worker and his employer but to the public also. Provision should be made for arbitration of disputes where possible. No one denies the right of labor to organize, collectively bargain, and to strike when necessary, but our laws should protect property and life and the rights of the public.

A bill will be offered for your consideration embodying these provisions.

MERIT SYSTEM

The Merit System in Alabama has worked well. It is, I think, a proper principle in the administration of the State's affairs. It gives security to the employee. It relieves the Governor's office of tremendous burdens and removes, as near as possible, politics in the securing of employees for the State government. I urge its retention.

If there be any defects in the present law which should be amended, or if it should be changed in any way to strengthen it and make it a better aid to employment and security to employees. such matters will occur to the members of your Bodies.

I recommend to the Legislature the consideration of establishing, in connection with our present Personnel System, a retirement program.

PAROLE SYSTEM

The practice of scientific paroling of prisoners was long overdue before the establishment of our present system. It has done a good work. It is a great aid to the rehabilitation of unfortunates. It relieves the Governor's office of a tremendous burden. It should be strengthened if necessary and improved and more adequately financed.

ALCOHOLIC BEVERAGES

In my platform as a candidate for Governor I stated:

> "I favor keeping the control of alcoholic beverages in the hands of the people. To this end I advocate a state-wide vote to decide whether the present liquor laws shall or shall not be retained. If they are retained by vote of the people, I shall advocate the State store system, and the abolition of all honky-tonks, juke-joints and other corrupting liquor outlets."

I recommend to the Legislature its consideration of the above quoted plank in my platform.

Since taking office, the Alcoholic Beverage Control Board has gone far toward accomplishment of a clean-up program. Honky-tonks have, in large measure, been controlled. What are known as "Juke-joints" have been outlawed and the present disposition of liquor has been cleansed of some of its objectionable features. We propose to go further in this clean-up program under the present statute.

CONSERVATION

Modern conservation is essential. Protection of our wild life will add much profit and pleasure to our people. Our forests are great sources of income. We have begun a program of forest conservation which will mean much to our state in the years to come. This department is justified in requesting at your hands adequate support.

REAPPORTIONMENT

Reapportionment of representation in the Legislature has been a constantly recurring problem for every Legislature to consider. It has never adequately been solved. Shifting populations have made it necessary to give careful thought to more equitable apportionment of representation. Population cannot be the sole basis for reapportionment, because of the concentration of large population

in certain centers and decrease of population in others. All counties should be represented. Population should not be the sole standard for fixing representation. Some method of reapportionment, recognizing both area and population, can be worked out. To this end I recommend to the Legislature the appointment of a committee or a commission to make a study of the problem of reapportionment and recommend a plan that would be fair to every section of our state. Such a plan, no doubt, would require the submission of a constitutional amendment to the people. This can be done at your next session.

REFUND OF BRIDGE BONDS

There are today outstanding approximately $4,365,500.00 of bridge bonds. They bear an average interest of 4%. It is possible now to obtain money at a much lower rate of interest. These bonds are callable. I recommend that the Legislature provide for their refund, that they be called and reissued at a lower rate of interest, and thereby save to the State, during the life of the bonds, many hundreds of thousands of dollars.

AVIATION

It is possible to see tremendous increase in the use of airplanes for the carrying of passengers and light freight. When the war is over many hundreds of thousands of young men will be trained in aviation. They can be of tremendous economic value by proper provision for landing fields and airports. Alabama should take steps immediately to provide for this acquisition to its transportation system.

There is an Aviation Commission in Alabama which is giving study to this problem. It should be correlated with the Highway Department and should cooperate in the planning of a statewide aviation system that will give this new method of transportation to all the people. The Commission should have sufficient funds to make its study in providing plans for immediate execution when the war is over.

DEPARTMENT OF INDUSTRIAL RELATIONS

I recommend to your consideration the increase of the surplus now in Unemployment Compensation. There is today approximately Thirty-nine Million Dollars in this surplus. This, no doubt, will be insufficient when the impact of unemployment follows peace. Rates should be raised at the present time, when we have

abundant and almost universal employment, in order that the fund may be sufficiently enlarged to prevent the necessity of placing upon employer and employee the highest rates at such time as employment may be seriously reduced.

Many soldiers have and will enter the Service who are eligible to the benefits of unemployment compensation. They have an invested interest in the surplus which has already been created. Some way should be provided for them to enjoy the benefits of this fund when they return and should they be unable to secure immediate employment.

I offer to you the assistance of my office in your endeavors to serve your State and in working out a constructive and beneficial legislative program.

Let us seek that guidance of our efforts, and that blessing on our labors, which a Christian people have a right to claim.

Respectfully submitted,

CHAUNCEY SPARKS,
Governor.

The purpose of the joint session having been accomplished, the Senate returned to its Chamber and was called to order by Lieutenant-Governor Ellis.

ROLL CALL

Present:

Messrs.:	Cobb	Hornsby	St. John (Lawrence)
Benson	Dodson	Jones	Shaver
Bentley	Espy	Kilborn	Sherrer
Black	Garrett	Lawson	Simpson
Bradford	Goodwin	Madison	Smith
Brown	Henderson	McCary	Taylor
Carlton	High	Pinson	Toomer
Cater	Hill	St. John (Cullman)	Walton

—31

MESSAGE FROM THE SENATE

Mr. President:

The House has originated and adopted the following:

By Mr. White:

H. J. R. No. 3. Relative to commending the President of the United States for his prompt and vigorous ending of the recent coal strike.

And sends same herewith to the Senate for its consideration.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The resolution, H. J. R. 3, set out in the foregoing Message from the House was read and referred to the Standing Committee on Rules.

REPORTS OF INTERIM COMMITTEES

The following interim committees filed their reports with the Secretary to be filed with the Secretary of State with other legislative records at the proper time:

Committee on Public Roads and Highways.

Committee on Education.

Committee on Judiciary.

Committee on Agriculture.

Committee on Public Welfare.

Committee on War-Emergency Legislation.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Hill:

S. 1. To provide aganst want and destitution caused by unemployment resulting from economic emergency in the State of Alabama, through the encouragement of the construction of public works projects by political subdivisions of the State; to provide for the creation and incorporation of the Alabama Emergency Finance Corporation and to define its powers and duties; to authorize the purchase, resale, or exchange by said corporation of public improvement assessment bonds or revenue bonds issued by any body politic of the State of Alabama; to encourage or promote the construction or reconstruction of any public works project by said Alabama Emergency Finance Corporation; to appropriate one million dollars to the Alabama Emergency Finance Corporation to be used for said purposes, and to appropriate twenty-five thousand dollars to pay the costs and expenses of said corporation.

Committee on Judiciary.

By Mr. Hill:

S. 2. To create a State Planning Board and to provide for the appointment, removal, term, and compensation of the members thereof; to fix the powers, authority, and duties of the board; to provide for the appointment of a director of the board and for the selection of employees; and to make an appropriation for the maintenance and operation of the board.

Committee on Judiciary.

By Mr. Hill:

S. 3. To repeal Sections 368 to 373 inclusive of Article 5, Chapter 10 of Title 55 of the Code of Alabama of 1940.

Committee on Judiciary.

By Mr. Hill:

S. 4. To amend Section 23 of Title 34 of the Code of Alabama, 1940.

Committee on Judiciary.

By Mr. St. John (Cullman):

S. 5. To amend Section 141, Title 29, Code 1940.

Committee on Judiciary.

By Mr. St. John (Cullman):

S. 6. To amend Section 29, Title 39, Code 1940.

Committee on Judiciary.

By Mr. St. John (Cullman):

S. 7. To amend Section 238, Title 51, Code 1940.

Committee on Judiciary.

By Mr. St. John (Cullman):

S. 8. To amend Section 141, Title 39, Code 1940.

Committee on Judiciary.

By Benson and Madison:

S. 9. To propose an amendment to the Constitution of Alabama exempting from payment of poll tax all persons who have honorably served in the military or naval forces or service of the United States, including the Women's Army Auxiliary Corps and the Women's Volunteer Reserve of the United States Navy, at any time after the seventh day of December, 1941, and during the existing war and until the termination thereof by the signing of an armistice or of a definitive treaty of peace or by the proclamation of the President of the United States that hostilities have ceased; and to order an election by the qualified electors of the State of Ala-

bama on such proposed amendment to be held at the general election next succeeding the present session of the Legislature.

Committee on Constitution and Constitutional Revision and Amendments.

The above bill was read one time at length as required by the constitution.

By Mr. High:

S. 10. To provide that any person who leaves the scene of an accident resulting in injury or death to any person shall stop and render such aid to such injured person as may be necessary; to provide for the reporting of accidents by drivers of any motor vehicle upon the highways of this state, and to provide that the failure to so stop after an accident or to report such accident shall be a misdemeanor, and to fix the punishment therefor.

Committee on Judiciary.

By Mr. Walton:

S. 11. To repeal Sections 57, 58, 59, 60, 61, 62, 63, and 64 of Title 17 of the Code of Alabama, 1940.

Committee on Judiciary.

By Mr. Walton:

S. 12. To repeal Sections 417, 418, 419, 420, 421, 422, 423 and 424 of Title 17 of the Code of Alabama, 1940.

Committee on Judiciary.

By Mr. Walton:

S. 13. To repeal Sections 5, 6, 7, 8, 9, 10 and 11 of Title 17 of the Code of Alabama 1940.

Committee on Judiciary.

By Mr. Walton:

S. 14. To exempt the gross proceeds of the sale of agricultural publications published in Alabama from computation of the amount of the sales tax levied, assessed, or payable under the laws of Alabama.

Committee on Judiciary.

By Mr. Walton:

S. 15. To amend Sections 35, 36 and 41 of Title 49 of the 1940 Code of Alabama.

Committee on Public Welfare and Correctional Institutions.

By Mr. Walton:

S. 16. To exempt assistance grants to dependent children from levy, garnishment, attachment and all taxes.

Committee on Public Welfare and Correctional Institutions.

By Mr. Walton:

S. 17. To amend Sections 53, 55, 56, 59, 60 and 61 of Title 49 of the 1940 Code of Alabama.

Committee on Public Welfare and Correctional Institutions.

By Mr. Hornsby:

S. 18. To provide for a public corporation for the purposes of constructing or causing to be constructed public roads and bridges in this State and related purposes; to describe its powers and duties, and to provide for the raising of necessary funds for such purposes, and to provide for the payment of the cost of construction of such roads and bridges, and to authorize such corporation to borrow money and match Federal funds for public roads, bridges and highways constructed and to issue bonds, warrants, assignments, transfers, or securities, and to aid in the several counties of the State in negotiating or otherwise financing interest bearing warrants of such counties, secured by pledge of the proceeds of gasoline tax appropriations to the counties by the State, and to contract with counties, the State Highway Department of Alabama, or other agencies performing any of the functions thereof by whatever name it may be known, the Federal Emergency Administration of Public Works, and any other branch or agency of the Federal Government or other authorities, and persons, firms, or corporations; and to repeal Article 3, Chapter 2, Title 23 of the Code of Alabama 1940, Sections 112 to 124, inclusive.

Committee on Public Roads and Highways.

By Mr. Madison:

S. 19. In relation to the educational system of Alabama; and to make annual appropriations for the support, maintenance, and development of public education in Alabama for each of the fiscal years ending September 30, 1944, and September 30, 1945.

Committee on Education.

By Mr. Madison:

S. 20. In relation to the educational system of Alabama; to make annual appropriations for the support, maintenance, and development of public education in Alabama for each of the fiscal years ending September 30, 1944 and September 30, 1945, including all schools, agencies, services, and institutions under the general

or direct control or subject to the rules and regulations of the State Board of Education, the Board of Trustees of Alabama College, the Board of Trustees of the Alabama Polytechnic Institute, and the Board of Trustees of the University of Alabama.

Committee on Education.

By Mr. Madison:

S. 21. To amend Sections 362, 364, 365, 366, 367, 368, 369, and 372, of Title 52 of the Code of Alabama of 1940.

Committee on Education.

By Mr. Simpson:

S. 22. To promote the prevention and cure of cancer; to authorize the State Board of Health, in collaboration with the Committee on Cancer Control of the Medical Association of the State of Alabama, to establish a standard for the organization, equipment and conduct of cancer units or departments in general hospitals, or in private clinics in this State, and to conduct an educational campaign for cancer control; and to provide a plan for the care and treatment of indigent persons suffering from cancer; and to make appropriation therefor to enable the State Board of Health, acting in conjunction with the Committee on Cancer Control of the Medical Association of the State of Alabama, to carry out the provisions of this Act.

Committee on Public Health.

By Mr. Simpson:

S. 23. To amend section 46 of title 51 of the Alabama Code of 1940.

Committee on Finance and Taxation.

By Mr. Simpson:

S. 24. To amend Section 151 of Chapter 8 of Title 52 of the Code of Alabama of 1940.

Committee on Education.

By Mr. Pinson:

S. 25. To provide for the presentation and payment of all outstanding checks or warrants drawn against the Alabama Relief Administration or any account available for its use and the appropriation to the State Department of Public Welfare for public welfare purposes of such funds as are not claimed within six months from the passage of this Act.

Committee on Public Welfare and Correctional Institutions.

By Mr. Pinson:

S. 26. To amend Sections 29 and 35 of Title 60 of the 1940 Code of Alabama.

Committee on Public Welfare and Correctional Institutions.

By Mr. Taylor:

S. 27. To create and establish a State Defense Council; to provide for its organization and to define its powers and duties; to create the office of State Director of Civilian Defense; to fix his compensation; and to define his powers and duties; to provide for the creation and establishment of local defense Councils; to provide for their organization and to define their powers and duties, to provide for the appointment of local directors of civilian defense and to define their powers and duties and provide for their method of compensation; to authorize and empower reciprocal aid agreements between the political sub-divisions of the State relating to services, supplies, and facilities in aid of civilian defense; to provide for the utilization of existing services and facilities of the State and political sub-divisions of the State in aid of civilian defense; to provide for the coordination of the State and local defense councils with the Federal government and the armed forces of the United States, to provide the method whereby the rules and regulations made pursuant to this act become effective; to provide for the immunity from liability of the State, its representatives, and employees, and any political sub-divisions, its representatives and employees, and any civilian defense worker complying with the provisions of this act; to provide for appropriations to carry out the provisions of this act; to provide penalties for the violation of this act and of the rules adopted pursuant thereto; to repeal all laws and parts of laws in conflict with the provisions of this act; and to provide when this act shall take effect and when it shall terminate.

Committee on Judiciary.

By Mr. Taylor:

S. 28. To authorize Boards of Revenue and Courts of County Commissioners or like governing bodies in the several Counties of this State to invest any surplus funds.

Committee on Judiciary.

By Mr. Taylor:

S. 29. To ratify appropriations heretofore made by the several counties of the State of Alabama for the purpose of defraying expenses of Civilian Defense.

Committee on Judiciary.

By Mr. Taylor:

S. 30. To authorize the State of Alabama and any department or agency thereof and any county, municipality, town or other political subdivision of this State, in order to facilitate cooperation with the United States of America in carrying on war and defense activities, to accept from the United States of America, or any department, agency or independent establishment thereof, grants or funds and grants and loans of equipment, supplies, material and other property; to hold, use, expend, deal with, employ, distribute and dispose of such funds, equipment, supplies, material and other property; and to engage in such activities, to enter into such contracts, and to do such other acts and things as may be necessary or convenient to carry out the powers granted by this Act.

Committee on Judiciary.

By Mr. Taylor:

S. 31. To propose to amend Section 194½ of the Constitution of Alabama so that as amended said Section shall read as follows: "Section 194½. No person who honorably served in the Military Service of the United States between January 1, 1917 and November 11, 1918, and after December 7, 1941, or at any time, past or present or future when the United States was, is or shall be at war with any foreign state, shall be required after the beginning of such service to pay the Poll Tax specified in the Constitution of Alabama as a prerequisite to the privilege of voting in Alabama; but, on the contrary, every such person shall be exempt from the payment of all Poll Taxes which have theretofore accrued and have not been paid or which may hereafter accrue; provided, however, that if any such person is discharged dishonorably from said service, the exemption herein provided is forfeited, and such dishonorably discharged person, as a prerequiste to the privilege of voting in Alabama thereafter, must pay the Poll Tax specified in the Constitution of Alabama as if such person had never been in such service. The term "Military Service" as used in this Act shall mean service by any person in the armed forces of the United States. The United States shall not be deemed at war with a foreign state within the meaning of this Section at a time when an armistice exists between the United States and the foreign state. The Judge of Probate shall issue a certificate of exemption to a person exempt from the payment of Poll Tax by reason of this Section under such rules and regulations as may be prescribed by the Governor. This Section shall be self-executing and retroactive; but the Legislature is authorized to enact laws designed to carry out the purposes of this Section; "and to order an election by the qualified

electors of the State upon such proposed amendment to be held on September 13, 1943.

Committee on Constitution and Constitutional Revision and Amendments.

The above bill was read one time at length as required by the Constitution.

By Mr. Taylor:

S. 32. To amend Section 238 of Title 51 of the Code of Alabama of 1940.

Committee on Judiciary.

By Mr. Taylor:

S. 33. To amend Section 852 of Title 51 of the Code of Alabama 1940 pertaining to the exemption of disabled veterans from the payment of certain licenses.

Committee on Judiciary.

By Mr. Taylor:

S. 34. To amend Section 47 of Title 60 of the Code of Alabama of 1940.

Committee on Judiciary.

By Mr. Jones:

S. 35. To create and establish a four year medical school in the State of Alabama to be known as "The Medical College of Alabama", a school of medicine of the University of Alabama; to provide for its location, building, equipment, organization, operation, maintenance, ownership, management and control; and to make appropriations therefor from the general Fund and from the Special Educational Trust Fund.

Committee on Public Health.

By Mr. Jones:

S. 36. To amend Section 199 of Title 22 of the 1940 Code of Alabama relating to the care of patients with tuberculosis; and to make appropriation for the care and treatment of such patients.

Committee on Public Health.

By Mr. Jones:

S. 37. To amend Section 118 of Title 22 of the 1940 Code of Alabama, relating to public health.

Committee on Public Health.

By Mr. Jones:

S. 38. To amend Section 9 of Title 22 of the 1940 Code fo Alabama relating to the State Health Officer; election, duties and powers.

Committee on Public Health.

By Mr. Jones:

S. 39. To amend Sections 95, 96 and 278 of Title 22 of the 1940 Code of Alabama, all relating to public health.

Committee on Public Health.

By Mr. Jones:

S. 40. To provide for the examination of persons suspected of having a venereal disease or having been exposed to a venereal disease.

Committee on Public Health.

By Mr. Jones:

S. 41. To amend Sections 19, 21, 22, 24, 25, 26, 27, 33, 34, 37, 38, 39, 40 and 42 of Title 22 of the 1940 Code of Alabama, all relating to public health.

Committee on Public Health.

By Mr. Jones:

S. 42. To provide for the registration of foundlings and a foundling report.

Committee on Public Health.

By Mr. Jones:

S. 43. To provide for court procedure to establish the facts of birth; to prescribe the method of giving notice of such court proceedings and to confer jurisdiction of such matter on the probate courts, circuit courts, or courts of like jurisdiction; to fix the amount of court costs to be charged and to provide for the filing and recording of a certified copy of the decree of said court in the office of the judge of probate of said county; and also in the office of the Registrar of Vital Statistics of Alabama; and to provide for the issuance of delayed certificates of birth based on said decree of court in the method provided by Title 22, Section 42, Code of 1940.

Committee on Public Health.

By Mr. Jones:

S. 44. To prohibit the indiscriminate disclosure of certain records filed with the state registrar of vital statistics and local custodians of birth and death certificates.

Committee on Public Health.

By Mr. Jones:

S. 45. To provide for the control of the use of poisons and gases that are harmful to human beings, in the destruction of insects, vermin, rodents, or other pests.

Committee on Public Health.

By Mr. Jones:

S. 46. To amend Section 110 of Title 22 of the 1940 Code of Alabama.

Committee on Public Health.

By Mr. Jones:

S. 47. To regulate the operation of ambulances for the purpose of protecting the public health, to provide for the enforcement of the Act and to fix penalties for the violation thereof.

Committee on Public Health.

By Mr. Bradford:

S. 48. To repeal Sections 24 and 32 of Title 49 of the 1940 Code of Alabama.

Committee on Public Welfare and Correctional Institutions.

By Mr. Bradford:

S. 49. To amend Sections 20, 22, 26 and 30 of Title 49 of the 1940 Code of Alabama.

Committee on Public Welfare and Correctional Institutions.

By Mr. Bradford:

S. 50. To Provide for the allocation of funds for the administration of assistance to needy blind persons.

Committee on Public Welfare and Correctional Institutions.

By Mr. Bradford:

S. 51. To exempt assistance grants to needy blind persons from levy, garnishment, attachment and all taxes.

Committee on Public Welfare and Correctional Institutions.

By Mr. Carlton:

S. 52. To authorize the Director of Finance, the Attorney General and the Highway Director to become a corporation; to prescribe the powers of such corporation, including the power to redeem, refund and retire the indebtedness evidenced by the outstanding bonds of Alabama State Bridge Corporation and Alabama Bridge Authority, Inc., and to raise funds necessary to effect such redemption and refunding by the issuance of securities by such

corporation for such purpose, which securities together with the income therefrom shall be exempt from taxation and may be used to secure deposits of funds of the State and its instrumentalities and agencies and shall not create an obligation or debt of the State and may thereafter be refunded; to authorize the Governor to convey to such corporation and such corporation to acquire the bridges and properties heretofore conveyed to the state by said Alabama State Bridge Corporation and Alabama Bridge Authority, Inc., and all rights which the State and said Alabama State Bridge Corporation and said Alabama Bridge Authority, Inc., may have to call said outstanding bonds for redemption; to make an appropriation and pledge of funds necessary to pay the principal of and interest on the securities assumed and issued by such corporation; to authorize such corporation to pledge such funds and to mortgage its bridges and properties for payment of the principal of and interest on its securities and to limit the scope of any such mortgage to the appointment of a receiver for the collection of tolls in the event of default and so as to prohibit any foreclosure thereof; to authorize and direct the State Treasury to disburse such funds and to maintain appropriate records pertaining thereto; to provide for the continued maintenance and operation of such bridges and properties free of tolls as a part of the highway system of the state so long as there shall be no default in the securities of the corporation; and to provide for the reconveyance to the state of said bridges and properties upon full payment of all securities assumed and issued by such corporation.

Committee on Public Roads and Highways.

By Mr. Carlton:

S. 53. To amend Section 656 and 657 of Title 51 of the Code of Alabama of 1940.

Committee on Public Roads and Highways.

By Mr. Carlton:

S. 54. To amend Sections 380, 381 and 382 of Title 55 of the Code of Alabama of 1940.

Committee on Public Roads and Highways.

By Mr. Carlton:

S. 55. To amend sections 18, 19 and 20 of Title 32 of the Code of Alabama of 1940.

Committee on Rules.

By Mr. Garrett:

S. 56. To appropriate $75,000.0 annually for use by the Alabama Extension Service of the Alabama Polytechnic Institute.

Committee on Agriculture.

By Mr. Garrett:

S. 57. To promote the agricultural interests of the State of Alabama by providing for the inspection, grading, standardization, classification, refrigeration, dehydration (for both food and feed), canning, packing, processing, cold store, and marketing of agricultural products, including all staple food crops, fruits, vegetables, poultry, dairy products, fish, and kindred products; and for such purposes to create a public board, to be known as the Alabama State Markets Board, to provide for the acquisition, equipment, operation, and maintenance of a public market or markets; to define the duties, powers, and authority of said board; and to appropriate public funds for such purposes.

Committee on Agriculture.

By Mr. Garrett:

S. 58. To make legal in the State of Alabama any food subject to and complying with the Federal Food, Drug, and Cosmetic Act.

Committee on Public Health.

By Mr. Henderson:

S. 59. To propose an amendment to the constitution of Alabama making public education an essential function of State Government, and to order an election for the qualified voters of the State of Alabama upon such proposed amendment to be held at the next general election held after the final adjournment of the present session of the legislature at which this amendment is proposed and to provide for the manner of holding said election.

Committee on Constitution and Constitutional Revision and Amendments.

The above bill was read one time at length as required by the constitution.

By Mr. Henderson:

S. 60. Relating to state-wide elections to determine the sentiment of the people of the State of Alabama as to whether or not alcoholic beverages can be sold distributed or possessed in the State of Alabama and the effect of such elections.

Committee on Temperance.

By Mr. Henderson:

S. 61. To make special provisions for the absent voting of all qualified electors of this State, who are enlisted in the Armed Service of the United States; to require Probate Judges or other responsible authorities to furnish to the Adjutant General of Alabama a list of all qualified voters in each County and other political sub-

division; to further regulate the time for names of candidates in elections to be certified; to require the Adjutant General to obtain forms for absentee ballots, to require said Adjutant General to forward said forms and absentee ballots to each qualified voter of the State of Alabama who is in the Armed Service of the United States; to provide for acknowledgements on said absentee ballots; and to provide for the necessary expenses incurred by the Adjutant General of Alabama

Committee on Privileges and Elections.

By Mr. Henderson:

S. 62. To propose an amendment to the constitution of Alabama exempting from poll tax all persons who honorably serve in the Military and Naval Service of the United States during any time when the United States is engaged in war and every officer and enlisted person of the Military and Naval Service of the United States or of the National Guard or Naval Militia or Alabama during his active membership and every person who shall have served an aggregate of twenty one years in the Military and Naval Service of the United States or in the active National Guard or Naval Militia of Alabama.

Committee on Constitution and Constitutional Revision and Amendments.

The above bill was read one time at length as required by the constitution.

By Mr. Henderson:

S. 63. To further regulate absentee voting.

Committee on Privileges and Elections.

By Mr. Henderson:

S. 64. To provide for the blood testing for syphilis of all persons residing in Alabama, and to appropriate not to exceed $75,000, annually to carry out the terms of this Act.

Committee on Public Health.

By Mr. Henderson:

S. 65. To amend Article IV Section 93 of the constitution of Alabama and to order an election for the qualified voters of the State of Alabama upon such proposed amendment to be held at the next general election held after the final adjournment of the present session of the legislature at which this amendment is proposed and to specify the manner of holding said election.

Committee on Constitution and Constitutional Revision and Amendments.

The above bill was read one time at length as required by the constitution.

By Mr. Henderson:

S. 66. To give to the Alabama State Highway Department the authority to acquire in the name of the State, lands or other properties for aeronautical purposes; to construct air navigation facilities in the State of Alabama; to maintain such facilities; and to otherwise enlarge its powers.

Committee on Public Roads and Highways.

By Mr. Henderson:

S. 67. To provide uniform regulations governing the payment of incidental costs incurred in the sale, refunding or exchange of bonds, warrants, revenue obligations or other evidences of indebtedness of the State, Counties, Municipalities, and other agencies and instrumentalities and institutions of the State, the Counties and Municipalities.

Committee on Judiciary.

By Mr. Henderson:

S. 68. To provide uniform regulations governing the exchange of bonds, warrants, revenue obligations and other evidences of indebtedness of the State, Counties, Municipalities, and other agencies and instrumentalities and institutions of the State, the Counties and Municipalities.

Committee on Judiciary.

By Mr. Henderson:

S. 69. To provide for the mortgaging and conveying of the legal title of livestock of a named class or classes, poultry, farming tools, implements, machinery and supplies described or limited as to general locality, owned at the time of the execution of the mortgage and all increase thereof and additions thereto, or of such property of like kind or class as may be acquired, during the stated period, not to exceed 12 months, to secure any and all indebtedness which the mortgagor owes or may owe the mortgagee, or the owner or holder of the mortgage, during said period; prescribing the manner in which such property may be described in the mortgage, so as to make such description sufficient for all purposes; and repealing all laws and parts of laws in conflict herewith.

Committee on Agriculture.

By Mr. Henderson:

S. 70. To authorize and provide for the sterilization of particular types of mentally diseased, insane, epileptic, mentally deficient, criminal and delinquent persons in the State of Alabama; to pro-

vide and define the method of obtaining the authority to sterilize in each case and by whom such authority is to be granted; to define and name the method of sterilization; to provide for appeals from the decision of officials of the Alabama State Hospitals and from the decisions of the County Boards of Censors and Convict Board of Doctors; to designate and prescribe by whom costs and expenses of such proceedings and sterilization operations are to be borne; and to protect against civil or criminal prosecution persons legally participating in the execution of the provisions of this Act.

Committee on Public Health.

By Mr. Henderson:

S. 71. To amend Title 8 Section 68 of the Code of Alabama of 1940.

Committee on Agriculture.

By Mr. Henderson:

S. 72. To repeal Section 62 Title 8 of the Code of Alabama of 1940.

Committee on Agriculture.

By Mr. Henderson:

S. 73. To amend Section 63 Title 8 of the Code of Alabama of 1940.

Committee on Agriculture.

By Mr. Henderson:

S. 74. To amend Section 78 Title 8 of the Code of Alabama of 1940.

Committee on Agriculture.

By Mr. Henderson:

S. 75. To provide a penalty for the use of a twenty two calibre rifle for hunting, taking or attempting to take birds, animals or fish of any kind.

Committee on Fish and Game.

By Mr. Henderson:

S. 76. To establish an agricultural experiment branch station in the area of Alabama generally known as the Piedmont Area or Piedmont Plateau, and to appropriate sixty thousand dollars for such purposes and the additional sum of fourteen thousand nine hundred dollars annually for the maintenance and operation of said agricultural experiment branch station.

Committee on Agriculture.

By Mr. Cater:

S. 77. To provide an automatic appeal for a convicted felon sentenced to death pursuant to the laws of Alabama; to regulate such appeals and to prescribe the procedure therefor; to define an indigent appellant and to authorize an investigation of the alleged indigency; to provide an indigent appellant with transcriptional service of the court reporter and with legal counsel to prosecute the automatic appeal; and to provide that such service and legal counsel shall be furnished at the expense of the State of Alabama.

Committee on Judiciary.

By Mr. Cater:

S. 78. To amend Section 162, Title 39, Code 1940.

Committee on Judiciary.

By Mr. Cater:

S. 79. To amend Section 149, Title 39, Code 1940.

Committee on Judiciary.

By Mr. Cater:

S. 80. To amend Section 34 of Title 61 of the 1940 Code of Alabama so that the same shall read as follows:

Committee on Judiciary.

By Mr. Cater:

S. 81. To amend Section 87, Title 36, Code of 1940.

Committee on Judiciary.

By Mr. Cater:

S. 82. To amend Section 142, Title 39, Code 1940.

Committee on Judiciary.

By Mr. Cater:

S. 83. To amend Section 140, Title 23, Code 1940.

Committee on Judiciary.

By Mr. Cobb:

S. 84. To appropriate $97,900.00 annually for use by the Alabama Agricultural Experiment Station System of the Alabama Polytechnic Institute.

Committee on Agriculture.

By Mr. Kilborn:

S. 85. To amend Section 15 of Title 24 of the Code of Alabama of 1940.

Committee on Judiciary.

By Mr. Kilborn:

S. 86. To amend Section 17 of Title 24 of the Code of Alabama of 1940.

Committee on Judiciary.

By Mr. Kilborn:

S. 87. To amend Section 154 of Title 41 of the 1940 Code of Alabama.

Committee on Judiciary.

By Mr. Kilborn:

S. 88. To amend Section 613 of Title 51 of the 1940 Code of Alabama.

Committee on Judiciary.

By Mr. Kilborn:

S. 89. To amend Section 86 of Title 55 of the 1940 Code of Alabama.

Committee on Judiciary.

By Mr. Kilborn:

S. 90. To amend Section 334 of Title 55 of the 1940 Code of Alabama.

Committee on Judiciary.

By Mr. Kilborn:

S. 91. To require additional duties of the Clerk of the Circuit Court of Mobile County, Alabama, by requiring said clerk to keep a separate docket in his office available to public inspection at any and all times the said Clerk's office is open for business, in which said clerk shall enter any and all orders made by said Court suspending the execution of sentences except in those cases in which the Court has ordered the case placed on the Probation Docket; to prescribe the information that shall be shown in said docket in regard to any defendant whose sentence has been suspended, pending good behavior, and further to provide for additional compensation for such additional duties of said Clerk.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that a local bill for Mobile County will be introduced for passage at the session of the Legislature of Alabama, which will convene in May, 1943, providing in substance as follows:

A BILL TO BE ENTITLED: AN ACT—To require additional duties of the Clerk of the Circuit Court of Mobile County, Alabama, by requiring

said Clerk to keep a separate docket in his office available to public inspection at any and all times the said Clerk's office is open for business, in which said Clerk shall enter any and all orders made by said Court suspending the execution of sentences except in those cases in which the Court has ordered the case placed on the Probation Docket; to prescribe the information that shall be shown in said docket in regard to any defendant whose sentence has been suspended, pending good behavior, and further to provide for additional compensation for such additional duties of said Clerk.

Be It Enacted By The Legislature Of Alabama:

Section 1. That in all cases where the Circuit Court of Mobile County, Alabama, makes an order suspending execution of sentence of a defendant pending good behavior but does not order said case placed on the Probation Docket, the Clerk of said Court is required to make and keep on record in his office open to public inspection at all times in which the said Clerk's office is open for business, a separate docket which must contain the following information:

The number of the case; the name of the defendant; the offense for which the defendant was convicted; the sentence; the date of sentence; and the order of suspension of execution of said sentence pending good behavior.

Section 2. That the Clerk of the Circuit Court of Mobile County, Alabama, be, and is hereby allowed additional compensation for the performance of such additional duties which said additional compensation is hereby fixed at One Hundred and no/100 ($100.00) Dollars, per month, payable out of the General Fund of Mobile County, Alabama.

Section 3. This Act shall take effect on its approval by the Governor.

Reg. Mar 20-27-Apr 3-10

Wm. M. Curran, being sworn, says that he is Auditor of The Mobile Press and The Mobile Register daily newspapers printed and published in the City and County of Mobile, State of Alabama; and that the attached notice Appeared in the issues of The Mobile Register, March 20, 27, April 3 & 10th, 1943

W. M. CURRAN.

Sworn to and subscribed before me this 12 day of Apl 1943

GREG L. KENNY,

(Seal) Notary Public.

By Mr. Bentley:

S. 92. To create and establish a War Emergency Council and a fund therefor; to provide for its organization and to define its powers and duties; to fix the compensation of its members and to define their powers, authority, and duties; to appropriate funds for the operation and use of said council.

Committee on Judiciary.

By Mr. Bentley:

S. 93. To authorize and empower the Commissioners Court of Coosa County, Alabama, to maintain, work and keep up all county roads which lead into and through the corporate limits of all municipal corporations in Coosa County, Alabama.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA,
TALLAPOOSA COUNTY.

Before me, Roy C. Oliver, Judge of Probate in and for said State and County, personally appeared Thos. S. Bugg, the publisher of the Enterprise-Chronicle, a newspaper published at Goodwater, Coosa County, Alabama, and who being duly sworn deposes and says that the foregoing notice hereto attached has been regularly published once a week for four consecutive weeks in said newspaper on dates of issue as follows: March 11, March 18, March 25, April 1, 1943.

THOS. S. BUGG,

Sworn to and subscribed before me this the 30 day of April, 1943.

(Seal) ROY C. OLIVER,
Judge of Probate

NOTICE OF PROPOSED LEGISLATION

Notice is hereby given that at the next regular session of the Legislature of Alabama a bill will be introduced for passage, which in substance, will be substantially as follows:

AN ACT

To authorize and empower the Commissioners Court of Coosa County, Alabama, to maintain, work and keep up all county roads which lead into and through the corporate limits of all municipal corporations in Coosa County, Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1. That the Commissioners Court of Coosa County, Alabama, is hereby authorized and empowered to maintain, work and keep up all County roads which lead into and or, in and through, and through the corporate limits of all municipal corporations in said Coosa County, and to use all machinery, implements and supplies of said County and to use, appropriate and expend money out of any County funds that may be used for road and bridge purposes which may be necessary in connection with the maintaining, working and the upkeep of said roads.

Section 2. That this Act shall take effect immediately upon the passage and approval thereof and that all laws and parts of laws in conflict herewith are hereby repealed in so far as they apply to Coosa County, Alabama.

CHAS. S. BENTLEY,
State Senator from the 34th Senatorial District.
Goodwater, Alabama.

4t-4:1ec

By Mr. Bentley:

S. 94. To authorize Boards of Education in the several Counties of this State to invest any surplus funds, after the budget has been adopted and approved.

Committee on Judiciary.

By Mr. Bentley:

S. 95. To provide for the removal from office of fiduciaries engaged in War Service and to provide for the appointment of their successors, and to provide for the removal from office of such successor fiduciaries and the reappointment of fiduciaries theretofore removed from office because of War Service, and to provide for notice and hearing of petitions for the above purposes and to provide for bonds to be given by fiduciaries so appointed and to define the term "War Service" and the term "fiduciary" as used herein.

Committee on Judiciary.

By Mr. Bentley:

S. 96. To provide for Powers of Attorney, relating to persons in military service or to civilians who go out of the country or who are without the country.

Committee on Judiciary.

By Mr. Bentley:

S. 97. To provide for court procedure to establish the facts of birth; to prescribe the method of giving notice of such court proceedings and to confer jurisdiction of such matter on the probate courts, circuit courts, or courts of like jurisdiction; to fix the amount of court costs to be charged and to provide for the filing and recording of a certified copy of the decree of said court in the office of the judge of probate of said county; and also in the office of the Registrar of Vital Statistics of Alabama; and to provide for the issuance of delayed certificates of birth based on said decree of court in the method provided by Title 22, Section 42, Code of 1940.

Committee on Public Health.

By Mr. Bentley:

S. 98. To amend Section 27 of Title 47 of the Code of Alabama of 1940

Committee on Judiciary.

By Mr. Bentley:

S. 99. To amend Section 40 of Title 61 of the Code of Alabama, 1940.

Committee on Judiciary.

ADJOURNMENT

At 2:30 P. M., on motion of Mr. Walton, the Senate adjourned until tomorrow at twelve o'clock Noon.

SECOND DAY

Wednesday, May 5, 1943.

The Senate met pursuant to adjournment, Lieutenant-Governor Ellis, presiding.

PRAYER

The session was opened with Prayer by Rev. E. A. Childs, Pastor of the Dexter Avenue Methodist Church, Montgomery.

ROLL CALL

Present:

Messrs.:	Cobb	Hornsby	St. John (Lawrence)
Benson	Dodson	Jones	Shaver
Bentley	Espy	Kilborn	Sherrer
Black	Garrett	Lawson	Simpson
Bradford	Goodwin	Madison	Smith
Brown	Henderson	McCary	Taylor
Carlton	High	Pinson	Toomer
Cater	Hill	St. John (Cullman)	Walton

—31

JOURNAL

On motion of Mr. Carlton, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

RESOLUTION

Mr. Simpson offered the following resolution, to-wit:

S. J. R. 4. BE IT RESOLVED by the Senate, the House of Representatives concurring, that:

WHEREAS, The policy of the Axis powers to exterminate the Jews of Europe through mass murder cries out for action by the United Nations representing the civilized world and emphasizes the urgent need for a Jewish homeland and

WHEREAS, On November 2, 1917 the British Government issued the Balfour Declaration viewing with favor the establishment in Palestine of a national home for the Jewish People and offering to facilitate such an endeavor and

WHEREAS, On June 30, 1922 a resolution was adopted by a joint session of the Congress of the United States which approved the Balfour Declaration and it was included in the Anglo-American treaty of December 3, 1934,

NOW THEREFORE BE IT RESOLVED by the Senate and House of Representatives of the State of Alabama that the establishment of a Jewish homeland in Palestine and facilities for its further development for receiving the maximum number of Jewish refugees who have been uprooted from their homes be commended to the considered judgment of the United Nations, not only as an act of justice to the Jewish people and the righting of an ancient wrong, but as an integral part of the new democratic world order in which every people shall have the right to self-government and self-determination in accordance with the principles for which we are now waging war and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the President of the United States, to Senators Wagner and McNary, Co-Chairmen of the American Palestine Committee, and to the British Embassy in Washington for transmission to the proper authorities in London

And on motion of Mr. Walton the rules were suspended and the resolution adopted.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Taylor:

S. 100. To amend Section 50 of Title 8 of the Code of Alabama of 1940.

Committee on Judiciary.

By Mr. Taylor:

S. 101. To amend Title 28, Section 53, Code of 1940.

Committee on Insurance.

By Mr. Taylor:

S. 102. To amend Section 213 of Title 28 of the 1940 Code of Alabama.

Committee on Insurance.

By Mr. Pinson:

S. 103. To empower guardians and trustees to invest the funds of their wards or of the beneficiaries of trusts in Life, Endowment, or Annuity Contracts, and to define the limitations of such power and the rights of the guardian or trustee with respect to the control of such investment.

Committee on Insurance.

By Mr. Madison:

S. 104. To repeal Sections 233 and 234 of Title 13 of the 1940 Code.

Committee on Judiciary.

By Mr. Henderson:

S. 105. To amend Section 89, Article 2, Title 36 of the 1940 Code of Alabama.

Committee on Public Roads and Highways.

By Mr. Brown:

S. 106. To provide for the rehabilitation, reorganization and liquidation of insurers doing business in more than one state; to define a "reciprocal state"; to provide that the insurance supervisory agency of such state be vested with title to the assets of any domestic insurer and conduct the affairs of delinquent insurers under judicial supervision; to provide for the filing of claims in this state by claimants who reside, or whose claims are based upon acts or contracts of insurers, in a reciprocal state; to provide that the Circuit Courts of this State shall have jurisdiction of such claims arising in this State; to determine the preferences against the general assets of domestic insurers; to provide for the administration of such deposits, or bonds in lieu thereof, of delinquent domestic insurers and to define came; to provide that title to assets of delinquent domestic insurers; to establish equalization of secured claims againt delinquent domestic insurers and to define same; to provide that title to assets of delinquent domestic insurers shall vest in the insurance supervisory agency of any reciprocal state wherein proceedings against such insurer are commenced; to define those special deposits of such insurers which shall be subject to such proceedings; and to provide for the administration of general assets of such insurers by the insurance supervisory agency or reciprocal states.

Committee on Insurance.

By Mr. Brown:

S. 107. To authorize the Superintendent of Insurance in his discretion to require the use of a standard fire insurance policy in the State of Alabama.

Committee on Insurance.

By Mr. Brown:

S. 108. To permit soldiers, sailors, marines and any person now enlisted and on active duty in the military service of the United States Government or of any country or nation which is an ally of the United States Government, and located or stationed in the State of Alabama, to obtain a state hunting and fishing li-

cense upon the same terms and conditions as a resident citizen of the State of Alabama.

Committee on Fish and Game.

By Mr. Cater:

S. 109. To provide for the appointment of notaries public for the State at large and to prescribe their term of office, duties, and authority.

Committee on Judiciary.

By Mr. Lawson:

S. 110. To amend Title 5, Section 220, Code of 1940, to provide qualifications of Directors and Officers of Savings & Loan Associations.

Committee on Banking.

By Mr. Lawson:

S. 111. To amend Title 5, Section 239, Code of 1940, to provide for unclaimed funds of Associations and Liquidations.

Committee on Banking.

By Mr. Lawson:

S. 112. To amend Title 5, Section 244, Code of 1940, to provide for the Savings & Loan Board:

Committee on Banking.

By Mr. Lawson:

S. 113. To amend Section 187 of Title 5 of the 1940 Code of Alabama.

Committee on Banking.

By Mr. Kilborn:

S. 114. For the relief of Harry Simon, of Montgomery, Alabama.

Committee on Finance and Taxation.

By Mr. Kilborn:

S. 115. To further regulate the supervision of credit unions.

Committee on Banking.

By Mr. Kilborn:

S. 116. To amend Section 15 of Title 41 of the 1940 Code.

Committee on Banking.

By Mr. Kilborn:

S. 117. To make it unlawful to use or have in possession, for the purpose of taking salt water fish or seafoods or minnows or other baits, seines, trawls or other fishing devices of a size or with

mesh of a size contrary to the rules and regulations of the Department of Conservation of the State of Alabama; to make it unlawful to use or have in possession any seine or net or other device for the taking of salt water fish or other seafoods with a lead line of a length of more than 500 fathoms; to make possession of any illegal fishing tackle prima facie evidence that it is kept for purpose of an unlawful use and to provide for the confiscation and disposal of the same; to regulate commercial fishing vessels used in salt water fishing and to require licenses and fees for the operation of the same; to regulate fishing operations and to require licenses and certain fees for various methods or ways of fishing or taking fish from the public salt waters of the State and to provide for the disposition of the proceeds from the sale of said licenses and fees and to require reports to be made by various dealers in salt water fish and to provide for the inspection of places where oysters, salt water fish or other seafoods are dumped, kept or stored; to provide that a violation of any of the provisions of this Act or rules and regulations based thereunder shall constitute a misdemeanor and for penalties or fines for violations of this Act; to repeal all laws or parts of laws, general, special or local, in conflict with the provisions of this Act.

Committee on Fish and Game.

By Mr. Kilborn:

S. 118. To amend Section 106 of Title 8 of the Code of Alabama of 1940.

Committee on Fish and Game.

By Mr. Kilborn:

S. 119. To amend Sections 143 & 148 of Title 8 of the Code of Alabama of 1940.

Committee on Fish and Game.

By Mr. Kilborn:

S. 120. To permit commercial fishermen who are residents of other states to fish in the public waters of Alabama whenever the respective laws of said states permit residents of Alabama to fish commercially in the public waters of said states.

Committee on Fish and Game.

By Mr. Kilborn:

S. 121. To amend Section 73 of Title 8 of the Code of Alabama of 1940.

Committee on Fish and Game.

By Mr. Kilborn:

S. 122. To amend Section 126 of Title 8 of the Code of Alabama of 1940.

Committee on Fish and Game.

By Mr. St. John (Lawrence):

S. 123. To give the Department of Conservation full jurisdiction and control over all fresh water fishes in the public waters of Alabama and the authority to make and enforce all rules and regulations, which shall have the force and effect of law, for the protection, propagation and conservation of same, including the right to prescribe the manner and means of taking or catching or attempting to take or catch, the time when and the places from which said fresh water fishes may be taken or caught. To prescribe the size and for the measurement of trotlines, setlines, or snaglines, or seines and of different kinds of nets and other fishing devices that may be used in fishing; to license and define any and all kind of fishermen or dealers in fresh water fish and to require a license for fishing, or dealing by retail, wholesale or otherwise in fresh water fish and to provide for the issuance of said licenses and for the disposition of the amount charged for said licenses; to define commercial fishing gear or devices; to regulate the time, manner and means for shipping or transporting fresh water fishes within or without the boundaries of this state and to require the marking of all such fish shipped or transported within this state in packages or containers and to make it unlawful for any person, firm or corporation to accept for shipment or transportation any package or container of such fish unless it is marked as prescribed in this Act; to prescribe the size and kind of said fish that may be taken or caught and the manner and means of catching the same; to require the marking of certain fishing devices and the marking of the location where certain fishing devices or fishing material is being used in fishing; to make it unlawful to catch fresh water fish by use of any unlicensed fishing devices; tackle or material and to authorize the confiscation and disposition of all fishing devices and material and fish and fish containers used or held in possession by any person, firm or corporation unlawfully, and to provide for the revocation or suspension of licenses for failure to comply with the terms of this Act; to provide for records to be kept by commercial fishermen and other dealers in such fish and for reports to be made by commercial fishermen and other dealers in fish to the Director of Conservation and for the audit of such records; to see that all fishing licenses and taxes are paid; to give the Department of Conservation authority to cooperate and contract with the fish and wildlife service of the Department of Interior of the United States Government and any other branch of the Government of the United States and with the Tennessee Valley Authority and with any other person, firm or corporation in carrying out the provisions of any Act of Congress for the sale, distribution or propagation of all fishery products, and the extension of the producing areas thereof; to provide that a violation of any of the provisions of this Act or

regulations based thereunder shall be a misdemeanor and to provide for penalties for violations of this Act and to repeal all laws and parts of laws, general, special and local, in conflict with the provisions of this Act.

Committee on Fish and Game.

By Mr. St. John (Lawrence):

S. 124. To provide for the disposition and use of all revenue or money derived from the levying or imposition upon any person, firm or corporation of any tax, license, permit, certificate, stamp, tag, shipping tag, fee or any other charge by whatever name called, pursuant to the game, fish and seafood laws of this State and the rules and regulations based thereon; to provide for the disposition and use of all revenue or money derived from the administration and enforcement of the game, fish and seafoods laws, and rules and regulations based thereon, and from the sea foods industry; to provide for the disposition and use of all revenue or money derived from the sale, lease, exchange or other disposition of any sand, gravel, oyster shells, oyster bottoms, oyster reefs or other materials or substances taken from any of the water of Alabama or taken from any of the waters within the territorial jurisdiction of Alabama; to provide for the disposition and use of all money paid, received or arising from fines, penalties and forfeitures under the game, fish and seafoods laws of this State and the rules and regulations based thereon; to provide for the payment of salaries and wages and other expenses incident to the operation of the Department of Conservation; to provide for the disposition of any unexpended balance in the Conservation fund at the end of any fiscal year and to repeal any and all laws or parts of laws in conflict with the provisions of this Act.

Committee on Fish and Game.

By Mr. St. John (Lawrence):

S. 125. To Repeal Section 71 of Title 8 of the Code of Alabama of 1940.

Committee on Fish and Game.

By Mr. St. John (Lawrence):

S. 126. To amend Section 63 of Title 8 of the Code of Alabama of 1940.

Committee on Fish and Game.

By Mr. Henderson:

S. 127. To amend Section 21, Title 8, Code of Alabama 1940.

Committee on Agriculture.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Smyer:

H. J. R. No. 4. BE IT RESOLVED by the House of Representatives, the Senate concurring, that:

WHEREAS, the policy of the axis powers to exterminate the Jews of Europe through mass murder cries out for action by the United Nations representing the civilized world and emphasizes the urgent need for a Jewish homeland and

WHEREAS, On November 2, 1917 the British Government issued the Balfour Declaration viewing with favor the establishment in Palestine of a national home for the Jewish People and offering to facilitate such an endeavor and

WHEREAS, On June 30, 1922 a resolution was adopted by a joint session of the Congress of the United States which approved the Balfour Declaration and it was included in the Anglo-American treaty of December 3, 1924.

NOW THEREFORE BE IT RESOLVED by the Senate and House of Representatives of the State of Alabama that the establishmen of a Jewish homeland in Palestine and facilities for its further development for receiving the maximum number of Jewish refugees who have been uprooted from their homes be commended to the considered judgment of the United Nations, not only as an act of justice to the Jewish people and the righting of an ancient wrong, but as an integral part of the new democratic world order in which every people shall have the right to self-government and self-determination in accordance with the principles for which we are now waging war and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the President of the United States, to Senators Wagner and McNary, Co-Chairmen of the American Palestine Committee, and to the British Embassy in Washington for transmission to the proper authorities in London.

And sends same herewith to the Senate for its consideration.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

On motion of Mr. Simpson, the resolution, H. J. R. 4, set out in the foregoing Message from the House, after a suspension of the rules, was adopted by the Senate.

REPORTS OF COMMITTEES

Mr. Walton, Chairman of the Standing Committee on Public Welfare and Correctional Institutions, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Walton (with amendment):
S. 17. To amend Sections 53, 55, 56, 59, 60 and 61 of Title 49 of the 1940 Code of Alabama.

By Mr. Walton:
S. 16. To exempt assistance grants to dependent children from levy, garnishment, attachment and all taxes.

By Mr. Bradford:
S. 51. To exempt assistance grants to needy blind persons from levy, garnishment, attachment and all taxes.

By Mr. Bradford:
S. 48. To repeal Sections 24 and 32 of Title 49 of the 1940 Code of Alabama.

By Mr. Walton (with amendment):
S. 15. To amend Sections 35, 36 and 41 of Title 49 of the 1940 Code of Alabama.

Mr. Hill, Vice-Chairman of the Standing Committee on Public Roads and Highways reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Carlton:
S. 52. To authorize the Director of Finance, the Attorney General and the Highway Director to become a corporation; to prescribe the fund and retire the indebtedness evidenced by the outstanding bonds of Alabama State Bridge Corporation and Alabama Bridge Authority, Inc., and to raise funds necessary to effect such redemption and refunding by the issuance of securities by such corporation for such purpose, which securities together with the income therefrom shall be exempt from taxation and may be used to secure deposits of funds of the State and its instrumentalities and agencies and shall not create an obligation or debt of the State and may thereafter be refunded; to authorize the Governor to convey to such corporation and such corporation to acquire the bridges and properties heretofore conveyed to the state by said Alabama

State Bridge Corporation and Alabama Bridge Authority, Inc., and all rights which the State and said Alabama State Bridge Corporation and said Alabama Bridge Authority, Inc., may have to call said outstanding bonds for redemption; to make an appropriation and pledge of funds necessary to pay the principal of and interest on the securities assumed and issued by such corporation; to authorize such corporation to pledge such funds and to mortgage its bridges and properties for payment of the principal of and interest on its securities and to limit the scope of any such mortgage to the appointment of a receiver for the collection of tolls in the event of default and so as to prohibit any foreclosure thereof; to authorize and direct the State Treasurer to disburse such funds and to maintain appropriate records pertaining thereto; to provide for the continued maintenance and operation of such bridges and properties free of tolls as a part of the highway system of the state so long as there shall be no default in the securities of the corporation; and to provide for the reconveyance to the state of said bridges and properties upon full payment of all securities assumed and issued by such corporation.

By Mr. Carlton:

S. 54. To amend Sections 380, 381 and 382 of Title 55 of the Code of Alabama of 1940.

By Mr. Carlton:

S. 53. To amend Sections 656 and 657 of Title 51 of the Code of Alabama of 1940.

Mr. Carlton, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Carlton:

S. 55. To amend sections 18, 19 and 20 of Title 32 of the Code of Alabama of 1940.

COMMITTEE BILLS REPORTED FAVORABLY AND RE-REFERRED

Mr. Garrett, Chairman of the Standing Committee on Agriculture, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were read a second time and re-referred by the President of the Senate to the Standing Committee on Finance and Taxation.

By Mr. Garrett:

S. 56. To appropriate $75,000.00 annually for use by the Alabama Extension Service of the Alabama Polytechnic Institute.

By Garrett (With amendment):

S. 57. To promote the agricultural interests of the State of Alabama by providing for the inspection, grading, standardization, classification, refrigeration, dehydration (for both food and feed), canning, packing, processing, cold storage, and marketing of agricultural products, including all staple food crops, fruits, vegetables, poultry, dairy products, fish, and kindred products; and for such purposes to create a public board, to be known as the Alabama State Markets Board, to provide for the acquisition, equipment, operation, and maintenance of a public market or markets; to define the duties, powers, and authority of said board; and to appropriate public funds for such purposes.

By Mr. Henderson:

S. 76. To establish an agricultural experiment branch station in the area of Alabama generally known as the Piedmont Area or Piedmont Plateau, and to appropriate sixty thousand dollars for such purposes and the additional sum of fourteen thousand nine hundred dollars annually for the maintenance and operation of said agricultural experiment branch station.

By Mr. Cobb:

S. 84. To appropriate $97,900.00 annually for use by the Alabama Agricultural Experiment Station System of the Alabama Polytechnic Institute.

Mr. Walton, Chairman, of the Standing Committee on Public Welfare and Correctional Institutions, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and on motion of Mr. Walton was re-referred by the President of the Senate to the Standing Committee on Finance and Taxation.

By Mr. Pinson:

S. 26. To amend Sections 29 and 35 of Title 60 of the 1940 Code of Alabama.

REPORT FROM RULES COMMITTEE

Mr. Carlton, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following resolutions and ordered same returned to the Senate with a favorable report with substitute, to-wit:

H. J. R. 3. Relative to pledging this states full manpower and resources to the President and Congress of the United States for the prosecution of the war to a victorious conclusion.

And said substitute:

Be it resolved by the House of Representatives, the Senate concurring

1. That we commend the prompt, firm and statesman like steps taken by the President of the United States to meet the recent threat of a coal strike, and we assure him of the unfailing support of the people of this State in such further measures as he may find necessary completely to remove this danger to our national security.

2. That we memorialize and admonish our fellow citizens who work in the coal mines of Alabama (1) that, as compared with the farmers of Alabama and many others in our State engaged in essential war production, the coal miners present wages are well in advance, and his hours of work more favorable than those of many of his fellow Alabama workers, (2) that it is our opinion that it is the duty of every citizen to exert his utmost effort in whatever capacity he now finds himself engaged, qualified and called by his government to serve, whether in the armed forces or elsewhere even to the sacrifice of his life, to forward the war effort, and (3) that the Legislature of Alabama, feels that the loyalty of every Alabamian is to the President of the United States and to the Commander-in-Chief of our Armed Forces first and always and to all others, however worthy, who secondarily and after the fullest measure of loyalty to our country has been met. Wherefore the Legislature of Alabama calls upon all citizens of Alabama engaged in the mining of coal to take steps to assure the President of the United States that, as of old, Alabama leads the Nation in devotion to the cause for which freemen are dying and that, regardless of what others may do, they will keep the mines of Alabama running, so long as the Commander-in-Chief shall order them to do so.

Be it further resolved that the Clerk of the House be instructed to send a copy of this resolution to the President, to John L. Lewis, President of the United Mine Workers of America and to Wm. E. Mitch, President of District 20 (Alabama) United Mine Workers of America and to the Press.

Was then adopted by the Senate.

And the resolution H. J. R. 3, as thus amended, was then concurred in and adopted by the Senate.

Also:

S. R. 3. Resolved by the Senate that the President appoint one additional member of the Committee on Forestry and Conservation.

And the substitute:

BE IT RESOLVED by the Senate that sub-paragraph 27 of Rule 43 of the Senate be amended so as to read as follows:

Section 1.

Section 27. On Forestry and Conservation to consist of eleven members.

Section 2.

BE IT FURTHER RESOLVED that the Lieutenant Governor be authorized forthwith to name an additional member of said committee so as to bring the total membership thereon up to eleven.

Was then adopted by the Senate.

And the resolution S. R. 3, as thus amended,

Was adopted by the Senate.

COMMITTEE APPOINTMENT ANNOUNCED

In accordance with Senate resolution No. 3, adopted by the Senate on the second day, which amended sub-paragraph 27 of Rule 43 of the Senate as follows:

"27. On Forestry and Conservation to consist of eleven members."

The Lieutenant-Governor and President of the Senate announced the addition of one member on the Committee on Forestry and Conservation—Mr. Gerald Bradford.

RESOLUTION

Mr. Walton offered the following resolution, to-wit:

S. J. R. 5. WHEREAS, our County is now engaged in the greatest struggle for freedom it has ever known; and

WHEREAS, the Senate of Alabama, the House of Representatives concurring, recognizes that every energy of the people of Alabama and of the Nation should be bent towards the winning of the war and towards the defeat of the Axis powers; and

WHEREAS, the Congress of the United States occupies and fills a most important place in the affairs not only of this Nation, but of the world; and

WHEREAS, the Congress of the United States has the power at the present time to declare war on any nation by a simple majority vote of the members; and

WHEREAS, the Constitution of the United States, the fundamental law of the land, makes it necessary that Congress approve

any peace treaty submitted to the Congress by the President of the United States by a two-thirds majority of the members; and

WHEREAS, the Senate of Alabama, the House of Representatives concurring, believes it to be the best and highest interest of the Nation that Congress have the power to ratify any peace treaty submitted by the President of the United States, by a simple majority of its members, the same majority that can declare war.

NOW, THEREFORE, be it resolved by the Senate of Alabama, the House of Representatives concurring, that we do now call upon our Senators and Representatives in the National Congress from Alabama to seriously consider the advisability of having Congress submit to the several states of this Union a constitutional amendment embodying the provision that Congress shall have the right to ratify any peace treaty submitted to it by a simple majority vote of the members rather than by a two-thirds majority as now required by law.

Be it resolved further that a copy of this resolution be immediately forwarded jointly by the Secretary of the Senate and the Clerk of the House of Representatives of Alabama to the United States Senators and Representatives in Congress from the State of Alabama.

And on motion of Mr. Walton, the rules were suspended and the resolution adopted.

MESSAGE FROM THE GOVERNOR

To the Legislature of Alabama:

Pursuant to the requirements of Article 3, Title 55, Sections 92 through 99 of the Code of Alabama of 1940, I respectfully submit a State Budget for the ensuing biennium, beginning October 1, 1943, and ending on September 30, 1945. It contains required data on the General Fund, the Special Educational Trust Fund and funds arising through special taxes or fees which are allocated to special agencies, commissions or boards.

This budget has been prepared after diligent study, investigation of needs, and conferences with spending agencies of the State by the Department of Finance. All agencies have been given an opportunity to submit their estimate of needs, and have been allowed an opportunity to demonstrate that need.

Your Interim Committee on Finance and Taxation has been very helpful in preparing the budget and in determining the quantity of support each department or agency should have. A careful analysis of revenue trends and a conservative estimate of possible returns from tax collections for the next two years have been made by the Finance Department and the Interim Committee, and they have prepared a budget which reflects mature judgment, both as to the amount of revenue which will come into the General Fund of the State and to special earmarked funds, as well as the amount which should be appropriated to the various departments and spending agencies from both the general fund and earmarked funds.

The recommendations of the Finance Department and of the Interim Committee have largely been adopted by me, and I herewith submit it, in printed form and in detail, as required by the law cited.

The budget herewith submitted is made to conform to Section 94, and includes the three parts therein required. These consist of:

Part 1. The Governor's Budget Message.

Part 2. Recommendation for appropriations to meet the expenditure need of the government from every fund, general and special.

Part 3. Appropriation bills and proposed revenue bill, or bills.

I have no recommendations for revenue bills. It is my opinion that we should not place upon the people of our State additional taxation at this time. It is my hope that the present revenue statutes will produce sufficient funds to maintain a reasonable high level of service in every department of the State's government. If we are forced to recede somewhat it shall not be to the point of great injury I hope, but will be in the nature of re-adjustment to shrinking income.

Part 1 of the budget contains the requirements set out in Section 94, and gives in detail the data and information therein required to be given to the Legislature.

The budget submitted follows in detail this requirement and affords to you an adequate picture of indebtedness, expenditures and appropriations in past years, actual revenues collected in such years, estimates of revenues for the current biennium, amounts used by agencies of the government to which appropriations were made, and the amount now suggested to be appropriated. The net result of the Treasury is shown. When this condition is shown, Section 94 requires:

"*** if the revenues are more than the aggregate appropriations recommended, he (the Governor) shall make such recommendations with respect to the application of such surplus to the reduction of debt, to reductions in taxation or to such other action as in his opinion is in the public interest".

Pursuant to this mandate of the law, I wish to call your attention to my recommendations with respect to whatever surplus there may be in the general or any special fund.

It appears now from what information we have, and judging by the year immediately preceding, there will be a surplus in the General Fund, the Special Educational Trust Fund and certain funds dedicated to particular agencies, such as conservation, agriculture, boards and bureaus for the administration of professional activities, and other small agencies. If there be such surpluses, then I recommend to the Legislature:

First. All surplus in the General Fund should be placed in what may be termed a War Emergency Surplus, to be held for two purposes: First, allotment by some agency created by your Bodies, to a particular department, board, bureau, commission, agent, office or institution of the State which may be in need of support in addition to its own revenues or because of lack of adequate appropriation; Second, that part not needed for current operations, to enable Alabama to do its part in post-war rehabilitation and reconstruction.

Second. There is a surplus in what is known as the Special Educational Trust Fund amounting, at this time, to $8,587,654.57. This surplus is made up of funds collected by special taxes and dedicated to the Special Educational Trust Fund over and above the amount appropriated from those funds. The surplus will, no doubt, amount to more at the end of the fiscal year, September 30, 1943. The existing surplus, and any surplus which may arise by the end of the fiscal year, should be placed in the Special Educational Trust Fund Surplus account to be used during the next four years for education alone. I recommend that the Legislature place a limitation of one-fourth per annum upon the amount that can be used from this surplus in any one year.

Third. In other departments, bureaus, boards, commissions or agencies of the State, there perhaps will be a surplus over and above the amount currently used, needed, or that may be appropriated by the Legislature to the activities of such departments, bureaus, boards, commissions or agencies. The surplus thus arising should be placed in a special fund to the credit of the department, bureau, board, commission or agency to which dedicated in the tax laws. Control of this surplus should be given to some authority so that it may be used, if necessary, in carrying on the activities of the agency in which it arises.

I have held public hearings on the budget and have conferred with all departments of the State government and many of its agencies, bureaus, boards and commissions, in regard to their needs. The budget herewith appended is, in my opinion, a conservative budget, one as liberal as our anticipated revenues will permit, and one which we may hope will be supported by revenues through the two years covered by the budget.

I recommend this budget to your careful consideration, and I recommend the enactment of laws putting it into effect for the biennium ending September 30, 1945.

Respectfully submitted,
CHAUNCEY SPARKS,
Governor.

May 5, 1943.

GOVERNOR'S MESSAGE

On motion of Mr. Kilborn the foregoing Message from His Excellency, the Governor, was read and ordered spread upon the Journal.

NOTICE TO SUSPEND RULES

Mr. St. John (Cullman) offered the following notice.

"Notice is hereby given that I will on the next legislative day introduce a motion to suspend rule 24 of this body."

NOMINATION OF JUDGE OF COUNTY JUVENILE COURT

Mr. Carter nominated Judge Wiley C. Hill, Jr., as Judge of County Juvenile Court. of Domestice Relations, Montgomery County, Alabama, pursuant to the provisions of Senate bill 94, approved February 27, 1939.

And said nomination was approved by the Senate:

Messrs.:	Cobb	Jones	St. John (Lawrence)
Benson	Espy	Kilborn	Shaver
Bentley	Garrett	Lawson	Sherrer
Black	Henderson	Madison	Simpson
Bradford	High	McCary	Taylor
Carlton	Hill	Pinson	Toomer
Cater	Hornsby	St. John (Cullman)	Walton

—27

Nays: —0

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the first day and finds same correct and containing all original entries and references thereto required by the Constitution.

Jim Smith, Jr.,
Chairman.

COMMITTEE REPORT

On motion of Mr. Smith, the foregoing report was concurred in and the Journal of the Senate for the first day approved by the Senate.

ADJOURNMENT

At 1:25 P. M., on motion of Mr. Kilborn, the Senate adjourned until 10 A. M. tomorrow, Thursday, May 7, 1943.

THIRD DAY

Thursday, May 6, 1943.

The Senate met pursuant to adjournment, Lieutenant-Governor Ellis presiding.

PRAYER

The session was opened with Prayer by Dr. W. E. Denham, of the First Baptist Church, Montgomery.

ROLL CALL

Present:

Messrs.:	Dodson	Jones	St. John (Lawrence)
Benson	Espy	Kilborn	Shaver
Bentley	Garrett	Lawson	Sherrer
Black	Goodwin	Madison	Simpson
Bradford	Henderson	McCary	Smith
Carlton	High	Newton	Taylor
Cater	Hill	Pinson	Toomer
Cobb	Hornsby	St. John (Cullman)	Walton

—31

JOURNAL

On motion of Mr. Carlton, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. High, indefinite leave of absence was granted Mr. Brown.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Hill:

S. 128. To allow the Sheriff of Lauderdale County, Alabama, an additional deputy sheriff to that provided by law; to fix the salary of said deputy and to make the same payable out of the General Funds of Lauderdale County in monthly installments.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

AN ACT

STATE OF ALABAMA,
LAUDERDALE COUNTY.

Notice is hereby given that the following local bill in substance will be introduced in the Legislature of Alabama at the regular session of the Legislature of Alabama which Session will convene May 4, 1943.

A BILL TO BE ENTITLED AN ACT to allow the Sheriff of Lauderdale County, Alabama, an additional deputy sheriff to that provided by law; to fix the salary of said deputy and to make the same payable out of the General Funds of Lauderdale County in monthly installments.

Be it enacted by the Legislature of Alabama:

Section 1. That the Sheriff of Lauderdale County is hereby allowed an additional deputy to the deputies now provided by law, which said deputy shall receive a salary of Fifteen Hundred Dollars ($1500.00) per annum, to be paid in twelve equal monthly installments out of the General Funds of Lauderdale County; that said Deputy Sheriff shall be eligible to perform the duties of Deputy Sheriff anywhere in Lauderdale County.

Section 2. That on the first day of each month a statement of the name and the amount due said Deputy Sheriff shall be furnished to the Court of County Commissioners by the Sheriff shall thereupon be the duty of said county to order a warrant drawn on the General Funds of the county payable to the said Deputy Sheriff for the amount of one months salary as herein above provided.

Section 3. That all laws and part of laws in conflict with this Act are hereby expressly repealed, and this Act shall be in full force and effect from the date of its approval by the governor.

E. J. FULMER, Sheriff.

Apr: 5, 12, 19 & 26c

THE STATE OF ALABAMA,
COUNTY OF LAUDERDALE.

Before me, the undersigned authority in and for the state and County aforesaid, personally appeared L. H. Baker who, after first being by me duly sworn, deposes and says on his oath that he is Business Manager of The Florence Times, a daily newspaper Published in Lauderdale County, Alabama; that the foregoing attached published notice of intention to introduce in the regular session of the Legislature of Alabama a bill to provide for an additional Deputy Sheriff of Lauderdale County, to provide for the salary of said deputy and to require the payment thereof out of the general funds of Lauderdale County, was published in the said Florence Times in issues of April 5, 1943, April 12, 1943, April 19, 1943, and April 26th, 1943.

L. H. BAKER.

Sworn to and subscribed before me this May 3rd, 1943.

MABLE HAYNES,
(Seal) Notary Public

By Mr. Carlton, High, Shaver and St. John (Cullman):

S. 129. To propose an amendment to the Constitution of Alabama as follows: "No moneys derived from state excise or license

taxation relating to gasoline or motor fuel, and no moneys derived from state excises, license taxes, or fees relating to registration, operation, or use of vehicles on the public highways, except receipts from an automotive vehicle use tax imposed as a supplement to and in lieu of a sales tax, shall be expended for other than (a) the cost of collecting such moneys, (b) refunds and adjustments allowed under such laws, (c) payment of highway obligations, (d) cost of construction, reconstruction, maintenance and repair of public highways, streets and bridges, and (e) the expense of enforcing state traffic laws. Provided, however, that such moneys relating to aircraft motor fuel may be expended for the development and maintenance of aviation facilities."

Committee on Constitution and Constitutional Revision and Amendments.

The above bill was read one time at length as required by the Constitution.

By Mr. McCary:

S. 130. To provide for the better supervision and regulation of companies, associations, mutual aid associations, reciprocal exchanges, and fraternal benefit societies.

Committee on Insurance.

By Mr. Jones:

S. 131. To amend Section 182 of Title 46 of the Code of Alabama of 1940.

Committee on Public Health.

By Mr. Simpson:

S. 132. To provide for the distribution and payment to the State Treasury and to the Counties of Alabama of any moneys received from the United States which accrued from receipts from National Forests within the State, or from any appropriation made by the United States to reimburse the State or any County of the State, for loss of taxes because of lands owned by the Federal Government therein; to provide that any County which receives any of said money shall cause to be set up an accounting record within which shall be recorded all moneys so received and the distribution made of all such moneys, and to provide the purposes for which money received by any County under the provisions of this Act may be expended; to provide for the payment and distribution of any money now in the State Treasury which has been paid into the State Treasury by the United States on account of receipts from National Forest Lands within the State.

Committee on Forestry and Conservation.

By Mr. Simpson:

S. 133. Giving the State Forester of Alabama power and authority and making it his duty to declare any property a public nuisance which by reason of its condition and operation constitutes a forest fire hazard, and as such, endangers other property or human life; to provide notice and the manner of service thereof on the owner of such property, or the person responsible for the condition and operation of the same, of its having been declared a public nuisance; to provide for the abatement of such nuisance and for the expense of abating the same, and for the disposition of all proceeds collected as expense or cost in abating the said nuisance; to make it a misdemeanor to refuse to comply with notice or order from State Forester to abate such nuisance and to provide penalties, fines and punishment against parties refusing to comply with orders of the State Forester relative to abating said nuisance and for the dosposition of fines and forfeitures collected; to define certain words; to provide for effective date of this Act and to repeal all laws in conflict with this Act.

Committee on Forestry and Conservation.

By Mr. Simpson:

S. 134. To Amend Section 204 of Title 8 of the Code of Alabama of 1940.

Committee on Forestry and Conservation.

By Mr. Simpson:

S. 135. To Repeal Sections 227, 228, 229, 230 and 231 of Title 8 of the Code of Alabama of 1940.

Committee on Forestry and Conservation.

By Mr. Simpson:

S. 136. To amend Section 3 of Title 30 of Code of 1940.

Committee on Judiciary.

By. Mr. Sherrer:

S. 137. To authorize and create an additional judge of the Fourth Judicial Circuit of Alabama and to provide for his election, jurisdiction, powers, authority and qualifications, to render him liable to all the pains and penalties of the other Circuit Judges of the State, and to provide for the salary of said judge.

Committee on Judiciary.

By Mr. Sherrer:

S. 138. To amend Section 67 of Title 17 of the Code of Alabama of 1940.

Committee on Judiciary.

By Mr. Smith:
S. 139. To amend Title 5, Section 243, Code of 1940, to provide the supervisory power of the Commissioner:

Committee on Banking.

By Mr. Smith:
S. 140. To amend Title 5, Section 249, Code of 1940, to provide for conservatorship and receivership of Savings and Loan Associations.

Committee on Banking.

By Mr. Espy:
S. 141. To Repeal Section 70 of Title 8 of the Code of Alabama of 1940.

Committee on Fish and Game.

By Mr. Kilborn:
S. 142. To provide that the amount of $68,256.58 remaining after the payment of expenses and costs of administration of House Bill No. 67, approved February 28, 1939, now in the State Treasury to the credit of the Use Tax Special Fund, be transferred to the General Fund.

Committee on Finance and Taxation.

By Mr. Kilborn:
S. 143. To amend Title 55, Section 155 of the 1940 Code of Alabama.

Committee on Banking.

REPORTS OF COMMITTEES

Mr. Shaver, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Cater:
S. 78. To amend Section 162, Title 39, Code 1940.

By Mr. Cater.
S. 79. To amend Section 149, Title 39, Code 1940.

By Mr. Cater.
S. 81. To amend Section 87, Title 36, Code of 1940.

By Mr. Cater:
S. 82. To amend Section 142, Title 39, Code 1940.

By Mr. Cater:
S. 83. To amend Section 140, Title 23, Code 1940.

By Mr. Cater:
S. 6. To amend Section 29, Title 39, Code 1940.

By Mr. St. John (Cullman):
S. 5. To amend Section 141, Title 29, Code 1940.

By Mr. St. John (Cullman):
S. 8. To amend Section 141, Title 39, Code 1940.

By Mr. St. John (Cullman):
S. 7. To amend Section 238, Title 51, Code 1940.

By Mr. Kilborn:
S. 88. To amend Section 613 of Title 51 of the 1940 Code of Alabama.

By Mr. Taylor:
S. 29. To ratify appropriations heretofore made by the several counties of the State of Alabama for the purpose of defraying expenses of Civilian Defense.

By Mr. Taylor:
S. 30. To authorize the State of Alabama and any department or agency thereof and any county, municipality, town or other political sub-division of this State, in order to facilitate co-operation with the United States of America in carrying on war and defense activities, to accept from the United States of America, or any department, agency or independent establishment thereof, grants of funds and grants and loans of equipment, supplies, material and other property; to hold, use, expend, deal with, employ, distribute and dispose of such funds, equipment, supplies, material and other property; and to engage in such activities, to enter into such contracts, and to do such other acts and things as may be necessary or convenient to carry out the powers granted by this Act.

By Mr. Taylor:
S. 33. To amend Section 852 of Title 51 of the Code of Alabama 1940 pertaining to the exemption of disabled veterans from the payment of certain licenses.

By Mr. Taylor:
S. 34. To amend Section 47 of Title 60 of the Code of Alabama of 1940.

Mr. Henderson, Chairman of the Standing Committee on Constitution and Constitutional Revision and Amendments, reported that said committee, in session, had acted on the following bill and

ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Henderson:

S. 59. To propose an amendment to the Constitution of Alabama making public education an essential function of state government, and to order an election for the qualified voters of the State of Alabama upon such proposed amendment to be held at the next general election held after the final adjournment of the present session of the Legislature at which this amendment is proposed and to provide for the manner of holding said election.

The above bill was read a second time at length as required by the constitution.

Mr. Jones, Chairman of the Standing Committee on Public Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate without recommendations, and it was read a second time and placed on the calendar, to-wit:

By Mr. Jones:

S. 46. To amend Section 110 of Title 22 of the 1940 Code of Alabama.

Mr. Jones, Chairman of the Standing Committee on Public Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Jones:

S. 40. To provide for the examination of persons suspected of having a venereal disease or having been exposed to a venereal disease.

Mr. Shaver, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with an adverse report, and it was read a second time and placed on the adverse calendar, to-wit:

By Mr. Kilborn:

S. 90. To amend Section 334 of Title 55 of the 1940 Code of Alabama.

Mr. Simpson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a

favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Cobb:

S. 84. To appropriate $97,900.00 annually for use by the Alabama Agricultural Experiment Station System of the Alabama Polytechnic Institute.

By Mr. Kilborn:

S. 114. For the relief of Harry Simon, of Montgomery, Alabama.

By Mr. Garrett:

S. 56. To appropriate $75,000.00 annually for use by the Alabama Extension Service of the Alabama Polytechnic Institute.

By Mr. Henderson:

S. 76. To establish an agricultural experiment branch station in the area of Alabama generally known as the Piedmont Area or Piedmont Plateau, and to appropriate sixty thousand dollars for such purposes and the additional sum of fourteen thousand nine hundred dollars annually for the maintenance and operation of said agricultural experiment branch station.

By Mr. Pinson:

S. 26. To amend Sections 29 and 35 of Title 60 of the 1940 Code of Alabama.

By Mr. Garrett (with amendment):

S. 57. To promote the agricultural interests of the State of Alabama by providing for the inspection, grading, standardization, classification, refrigeration, dehydration (for both food and feed), canning, packing, processing, cold storage, and marketing of agricultural products, including all staple food crops, fruits, vegetables, poultry, dairy products, fish, and kindred products; and for such purposes to create a public board, to be known as the Alabama State Markets Board, to provide for the acquisition, equipment, operation, and maintenance of a public market or markets; to define the duties, powers, and authority of said board; and to appropriate public funds for such purposes.

COMMITTEE BILLS REPORTED FAVORABLY AND RE-REFERRED

Mr. Jones, Chairman of the Standing Committee on Health, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report and with a recommendation that they be re-referred to the

Standing Committee on Finance and Taxation, and they were read a second time and re-referred by the President of the Senate to the Standing Committee on Finance and Taxation, to-wit:

S. 22. To promote the prevention and cure of cancer; to authorize the State Board of Health in collaboration with the Committee on Cancer Control of the Medical Association of the State of Alabama, to establish a standard for the organization, equipment and conduct of cancer units or departments in general hospitals, or in private clinics in this State, and to conduct an educational campaign for cancer control; and to provide a plan for the care and treatment of indigent persons suffering from cancer; and to make appropriation therefor to enable the State Board of Health, acting in conjunction with the Committee on Cancer Control of the Medical Association of the State of Alabama, to carry out the provisions of this Act.

S. 35. To create and establish a four year medical school in the State of Alabama to be known as "The Medical College of Alabama", a school of medicine of the University of Alabama; to provide for its location, building, equipment, organization, operation, maintenance, ownership, management and control; and to make appropriations therefor from the General Fund and from the Special Educational Trust Fund.

S. 36. To amend Section 199 of Title 22 of the 1940 Code of Alabama relating to the care of patients with Tuberculosis; and to make appropriation for the care and treatment of such patients.

S. 38. To amend Section 9 of Title 22 of the 1940 Code of Alabama relating to the State Health Officer; election; duties and powers.

S. 64. To provide for the blood testing for syphilis of all persons residing in Alabama, and to appropriate not to exceed $75,000 annually to carry out the terms of this act.

Mr. Jones, Chairman of the Standing Committee on Health, reported, that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, said bill was read a second time and on motion of Mr. Walton, was re-referred by the President of the Senate to the Standing Committee on Public Health.

S. 58. To make legal in the State of Alabama any food subject to and complying with the Federal Food, Drug, and Cosmetic Act.

POSTPONEMENT OF NOTICE TO SUSPEND RULES

Mr. St. John of Cullman postponed notice given on yesterday to suspend Rule 24 of the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Chichester:

H. 58. To amend Sections 380, 381 and 382 of Title 55 of the Code of Alabama of 1940.

Also:

By Mr. Chichester:

H. 46. To amend Sections 656 and 657 of Title 51 of the Code of Alabama of 1940.

Also:

By Mr. Chichester:

H. 59. To authorize the Director of Finance, the Attorney General and the Highway Director to become a corporation; to prescribe the powers of such corporation, including the power to redeem, refund and retire the indebtedness evidenced by the outstanding bonds of Alabama State Bridge Corporation and Alabama Bridge Authority, Inc., and to raise funds necessary to effect such redemption and refunding by the issuance of securities by such corporation for such purpose, which securities together with the income therefrom shall be exempt from taxation and may be used to secure deposits of funds of the State and its instrumentalities and agencies and shall not create an obligation or debt of the State and may thereafter be refunded; to authorize the Governor to convey to such corporation and such corporation to acquire the bridges and properties heretofore conveyed to the state by said Alabama State Bridge Corporation and Alabama Bridge Authority, Inc., and all rights which the State and said Alabama State Bridge Corporation and said Alabama Bridge Authority, Inc., may have to call said outstanding bonds for redemption; to make an appropriation and pledge of funds necessary to pay the principal of and interest on the securities assumed and issued by such corporation; to authorize such corporation to pledge such funds and to mortgage its bridges and properties for payment of the principal of and interest on its securities and to limit the scope of any such mortgage to the appointment of a receiver for the collection of tolls in the event of default and so as to prohibit any foreclosure thereof; to authorize and direct the State Treasurer to disburse such funds and to main-

tain appropriate records pertaining thereto; to provide for the continued maintenance and operation of such bridges and properties free of tolls as a part of the highway system of the state so long as there shall be no default in the securities of the corporation; and to provide for the reconveyance to the state of said bridges and properties upon full payment of all securities assumed and issued by such corporation.

And sends same herewith without engrossment to the Senate.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing house message were severally read once and referred to appropriate Standing Committees as follows:

H. 58, to the Committee on Banking.

H. 46 and H. 59, to the Committee on Finance and taxation.

BILLS ON THIRD READING

The bill:

S. 17. To amend Sections 53, 55, 56, 59, 60 and 61 of Title 49 of the 1940 Code of Alabama.

Was taken up.

The Standing Committee on Public Welfare and Correctional Institutions offered the following amendment to the bill, to-wit:

Amend that part of the bill designated as Section 60 by inserting after the word, "applicant", the further words, "or any one or applicant's behalf."

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:	Dodson	Hornsby	St. John (Lawrence)
Bentley	Espy	Kilborn	Shaver
Black	Garrett	Lawson	Sherrer
Bradford	Goodwin	Madison	Simpson
Carlton	Henderson	Newton	Smith
Cater	High	Pinson	Toomer
Cobb	Hill	St. John (Cullman)	Walton

—26

Nays: —0

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment:

Yeas, 27; Nays, 0.

Yeas:

Messrs.:	Dodson	Hornsby	St. John (Cullman)
Bentley	Espy	Jones	St. John (Lawrence)
Black	Garrett	Kilborn	Shaver
Bradford	Goodwin	Lawson	Sherrer
Carlton	Henderson	Madison	Simpson
Cater	High	Newton	Toomer
Cobb	Hill	Pinson	Walton

—27

Nays: —0

The bill:

S. 16. To exempt assistance grants to dependent children from levy, garnishment, attachment and all taxes.

Was read a third at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas, 26; Nays, 0.

Yeas:

Messrs.:	Dodson	Hornsby	Shaver
Bentley	Espy	Jones	Sherrer
Black	Garrett	Madison	Simpson
Bradford	Goodwin	Newton	Smith
Carlton	Henderson	Pinson	Toomer
Cater	High	St. John (Cullman)	Walton
Cobb	Hill	St. John (Lawrence)	

—26

Nays: —0

The bill:

S. 51. To exempt assistance grants to needy blind persons from levy, garnishment, attachment and all taxes.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:	Carlton	Garrett	Jones
Benson	Cater	Goodwin	Kilborn
Bentley	Cobb	Henderson	Madison
Black	Dodson	Hill	Newton
Bradford	Espy	Hornsby	Pinson

St. John (Cullman)	Simpson	Shaver	Toomer	
St. John (Lawrence)	Sherrer	Smith	Walton	
				—27

Nays: —0

The bill:

S. 48. To repeal Sections 24 and 32 of Title 49 of the 1940 Code of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:	Dodson	Jones	Shaver	
Benson	Espy	Kilborn	Sherrer	
Bentley	Garrett	Madison	Simpson	
Black	Goodwin	Newton	Smith	
Bradford	Henderson	Pinson	Toomer	
Carlton	Hill	St. John (Cullman)	Walton	
Cobb	Hornsby	St. John (Lawrence)		—26

Nays: —0

The bill:

S. 15. To amend Sections 35, 36, and 41 to Title 49 of the 1940 Code of Alabama.

Was taken up.

The Standing Committee on Public Welfare and Correctional Institutions offered the following amendment, to-wit:

1. Amend Section 1 of the bill by inserting as sub-paragraph (d) thereof the following:

(d) Has not directly or indirectly disposed of or deprived himself of any property for the purpose of qualifying for the benefits of this chapter.

2. Change the designation of sub-paragraph (d) as written in the original bill to (c)

Amend that part of the bill designated as Section 41 so as to read as follows:

If at any time the recipient of old age assistance, or the husband or wife of such recipient, shall become possessed of any income in excess of that owned or being received at the date of the application, it shall be the duty of the recipient immediately to notify the county department of the facts in the case. The county department, upon the notification or upon otherwise learning the facts, shall, after investigation, continue, reduce or cancel the amount of the grant as the facts may warrant. Its action in this respect shall

be subject to appeal and review as provided in Sections 39 and 40 of this Title.

Which was adopted.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:	Dodson	Jones	Shaver
Benson	Espy	Kilborn	Sherrer
Bentley	Garrett	Madison	Simpson
Black	Goodwin	Newton	Smith
Bradford	Henderson	Pinson	Taylor
Carlton	Hill	St. John (Cullman)	Toomer
Cater	Hornsby	St. John (Lawrence)	Walton
Cobb			

—28

Nays: —0

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:	Cobb	Hill	Shaver
Benson	Dodson	Hornsby	Sherrer
Bentley	Espy	Jones	Simpson
Black	Garrett	McCary	Smith
Bradford	Goodwin	Newton	Taylor
Carlton	Henderson	St. John (Cullman)	Toomer
Cater	High	St. John (Lawrence)	Walton

—27

Nays: —0

The bill:

S. 54. To amend Sections 380, 381 and 382 of Title 55 of the Code of Alabama of 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:	Cater	High	Pinson
Benson	Cobb	Hill	St. John (Cullman)
Bentley	Espy	Hornsby	St. John (Lawrence)
Black	Garrett	Jones	Shaver
Bradford	Goodwin	Kilborn	Simpson
Carlton	Henderson	Newton	

—22

Nays: —0

The bill:

S. 53. To amend Sections 656 and 657 of Title 51 of the Code of Alabama of 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas, 21; Nays, 0.

Yeas:

Messrs.:	Cater	High	St. John (Lawrence)
Benson	Cobb	Hill	Shaver
Bentley	Dodson	Hornsby	Simpson
Black	Espy	Jones	Taylor
Bradford	Garrett	Pinson	Walton
Carlton	Goodwin		—21

Nays: —0

The bill:

S. 52. To authorize the Director of Finance, the Attorney General and the Highway Director to become a corporation; to prescribe the powers of such corporation, including the power to redeem, refund and retire the indebtedness evidenced by the outstanding bonds of Alabama State Bridge Corporation and Alabama Bridge Authority, Inc., and to raise funds necessary to effect such redemption and refunding by the issuance of securities by such corporation for such purpose, which securities together with the income therefrom shall be exempt from taxation and may be used to secure deposits of funds of the State and its instrumentalities and agencies and shall not create an obligation or debt of the State and may thereafter be refunded; to authorize the Governor to convey to such corporation and such corporation to acquire the bridges and properties heretofore conveyed to the state by said Alabama State Bridge corporation and Alabama Bridge Authority, Inc., and all rights which the State and said Alabama State Bridge Corporation and said Alabama Bridge Authority, Inc., may have to call said outstanding bonds for redemption; to make an appropriation and pledge of funds necessary to pay the principal of and interest on the securities assumed and issued by such corporation; to authorize such corporation to pledge such funds and to mortgage its bridges and properties for payment of the principal of and interest on its securities and to limit the scope of any such mortgage to the appointment of a receiver for the collection of tolls in the event of default and so as to prohibit any foreclosure thereof; to authorize and direct the State Treasurer to disburse such funds and to maintain appropriate records pertaining thereto; to provide for the continued maintenance and operation of such bridges and properties

free of tolls as a part of the highway system of the state so long as there shall be no default in the securities of the corporation; and to provide for the reconveyance to the state of said bridges and properties upon full payment of all securities assumed and issued by such corporation.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:	Cobb	Hill	Shaver	
Bentley	Dodson	Hornsby	Simpson	
Black	Espy	Jones	Taylor	
Bradford	Goodwin	Kilborn	Toomer	
Carlton	Henderson	Madison	Walton	
Cater	High	Pinson		—22

Nays: —0

The bill:

S. 55. To amend Sections 18, 19 and 20 of Title 32 of the Code of Alabama of 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 25; Nays, 0.

Messrs.:	Cobb	Hornsby	St. John (Cullman)	
Benson	Dodson	Jones	Shaver	
Bentley	Espy	Kilborn	Simpson	
Black	Goodwin	Madison	Taylor	
Bradford	Henderson	Newton	Toomer	
Carlton	High	Pinson	Walton	
Cater	Hill			—25

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Head:

H. 125. To provide for the presentation and payment of all outstanding checks or warrants drawn against the Alabama Relief Administration or any account available for its use and the appropriation to the State Department of Public Welfare for public welfare purposes of such funds as are not claimed within six months from the passage of this Act.

And sends same herewith without engrossment to the Senate.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bill set out in the foregoing Message from the House was read one time and referred to appropriate Standing Committee as follows:

H. 125, to the Committee on Public Welfare and Correctional Institutions.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Sullivan:

H. 86. To authorize the State of Alabama and any department or agency thereof and any county, municipality, town or other political sub-division of this State, in order to facilitate co-operation with the United States of America in carrying on war and defense activities, to accept from the United States of America, or any department, agency or independent establishment thereof, grants of funds and grants and loans of equipment, supplies, material and other property; to hold, use, expend, deal with, employ, distribute and dispose of such funds, equipment, supplies, material and other property; and to engage in such activities, to enter into such contracts, and to do such other acts and things as may be necessary or convenient to carry out the powers granted by this Act.

And sends same herewith without engrossment to the Senate.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bill set out in the foregoing Message from the House was read one time and referred to appropriate Standing Committee as follows:

H. 86, to the Committee on Finance and Taxation.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Montgomery, Alabama

Gentlemen:

I have re-appointed the following named person as a member of the State Personnel Board, subject to your confirmation:

Hon. Thos. E. Kilby, Anniston, Alabama, for the term expiring March 2, 1949.

Respectfully,
CHAUNCEY SPARKS,
Governor.

May 6, 1943

GOVERNOR'S MESSAGE

On motion of Mr. Carlton, the Senate confirmed the appointment by His Excellency, the Governor, of Honorable Thomas E. Kilby as member of the State Personnel Board.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:	Cobb	Hornsby	Shaver	
Benson	Dodson	Jones	Simpson	
Bentley	Espy	Kilborn	Smith	
Black	Goodwin	Madison	Taylor	
Bradford	Henderson	Newton	Toomer	
Carlton	High	Pinson	Walton	
Cater	Hill	St. John (Cullman)		—26

Nays: —0

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Montgomery, Alabama

Gentlemen:

I have appointed the following as members of the Board of Trustees of Alabama College, located in Montevallo, Alabama, subject to your confirmation:

From the 1st District—Samuel M. Johnston, Mobile, Alabama, for the term expiring on the third Monday in January, 1955.

From the 4th District—Bruce Beveridge, Selma, Alabama, for the term expiring on the third Monday in January, 1955.

From the 7th District—M. L. Robertson, Cullman, Alabama, for the term expiring on the third Monday in January, 1955.

From the 9th District—James C. Lee, Birmingham, Alabama, replacing Mr. L. Sevier, deceased, for the term expiring on the third Monday in January, 1951.

From the 5th District—Judge J. H. Disque, Gadsden, Alabama, for the term expiring on the third Monday in January, 1947.

Respectfully,
CHAUNCEY SPARKS,
Governor.

May 6, 1943

GOVERNOR'S MESSAGE

On motion of Mr. Kilborn, the Senate confirmed the appointment by his Excellency, the Governor, of the above members to the Board of Trustees of Alabama College.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:	Dodson	Jones	Shaver	
Benson	Espy	Kilborn	Simpson	
Bentley	Goodwin	Madison	Smith	
Black	Henderson	Pinson	Taylor	
Carlton	High	St. John (Cullman)	Toomer	
Cater	Hill	St. John (Lawrence)	Walton	
Cobb	Hornsby			—25

Nays: —0

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Montgomery, Alabama

Gentlemen:

I herewith transmit to you for your confirmation, or such other action as you may deem proper, the names of the Trustees of the Alabama Insane Hospital as certified to by the Superintendent of the Alabama Insane Hospitals hereto attached, for the terms therein set out.

Respectfully,
CHAUNCEY SPARKS,
Governor.

May 6, 1943.

LIST OF MEMBERS OF THE BOARD OF TRUSTEES OF THE ALABAMA STATE HOSPITALS AND THE BOARD OF MANAGERS OF THE PARTLOW STATE SCHOOL— ELECTED SINCE JANUARY 1, 1939:

THE ALABAMA STATE HOSPITALS

1. Mr. Robert Jemison, Jr., Birmingham, Alabama re-elected October 26, 1939 for a term of seven years beginning January 1, 1940.
2. Mr. F. M. Moody elected on October 30, 1940 for a term of seven years beginning January 1, 1941.
3. Mr. John D. McQueen, Sr., elected on October 29, 1941 to fill vacancy caused by death of Mr. F. M. Moody. Term to expire December 31, 1947.
4. Doctor Fred W. Wilkerson re-elected for a term of seven years on October 29, 1941. Term beginning January 1, 1942.
5. Mr. Gordon D. Palmer elected April 24, 1942 to fill the un-expired term of Doctor R. C. Foster. Term expiring December 31, 1943.

THE PARTLOW STATE SCHOOL FOR MENTAL DEFICIENTS

1. Mrs. James Fitts Hill elected on Otocebr 31, 1941 for a term of seven years, beginning January 1, 1942.
2. Mrs. Battle S. Searcy elected October 29, 1942 for a term of seven years, beginning January 1, 1943.

(The above names to be submitted to the Senate for confirmation as provided in Title 45, Section 194, Code of 1940).

STATE OF ALABAMA,
TUSCALOOSA COUNTY,

This is to certify that the above is a true and correct list of the names of the members of the Board of Trustees of The Alabama State Hospitals

and of the Board of Managers of The Partlow State School for Mental Deficients who have been elected to these Boards since January 1, 1939:

This the 5th day of January, 1943 at Tuscaloosa, Alabama.

Signed: W. D. PARTLOW, M.D.,
W. D. PARTLOW
Superintendent
The Alabama State Hospitals and
The Partlow State School For
Mental Deficients
Superintendent

Sworn to and subscribed before me a Notary Public, this the 6th day of January, 1943.

(Seal) JOHN T. BRADFORD,
Notary Public.

GOVERNOR'S MESSAGE

On motion of Mr. Madison, the Senate confirmed the foregoing appointments of His Excellency, the Governor, of Trustees of the Alabama Insane Hospital as certified to by the Superintendent of the Alabama Insane Hospitals.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:	Goodwin	Kilborn	Shaver	
Benson	Henderson	Madison	Sherrer	
Bentley	High	McCary	Simpson	
Black	Hill	Pinson	Smith	
Carlton	Hornsby	St. John (Cullman)	Toomer	
Cater	Jones	St. John (Lawrence)	Walton	
Dodson				—24

Nays: —0

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama,
Montgomery, Alabama.

Gentlemen:

I have appointed the following as members of the Board of Appeals for the Department of Industrial Relations, subject to your confirmation:

Walter J. Knabe, Montgomery, Chairman—Representing the Public, succeeding L. M. Porter, resigned, for the term expiring on March 28, 1947.

J. R. Wilson, Birmingham—Representing the Employers, succeeding G. Arthur Cook, resigned, for the term expiring on March 28, 1945.

Price L. Foster, Birmingham—Representing the Employes, for the term expiring on March 28, 1949.

Respectfully,
CHAUNCEY SPARKS,
Governor.

May 6, 1943.

GOVERNOR'S MESSAGE

On motion of Mr. Cater, the Senate confirmed the foregoing appointments by His Excellency, the Governor of members of the Board of Appeals for the Department of Industrial Relations.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Dodson	Jones	Shaver
Benson	Goodwin	Kilborn	Sherrer
Bentley	Henderson	McCary	Simpson
Black	High	Pinson	Smith
Carlton	Hill	St. John (Cullman)	Toomer
Cater	Hornsby	St. John (Lawrence)	Walton

—23

Nays: —0

ORDER TO PRINT

The following bills were ordered printed by the Senate:

S. 60—1000 copies.

S. 70—500 copies.

S. 117, 120, 121—500 copies of each.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Cole:

H. 124. To exempt assistance grants to needy blind persons from levy, garnishment, attachment and all taxes.

Also:

By Mr. Gullatt:

H. 121. To amend Sections 29 and 35 of Title 60 of 1940 Code of Alabama.

Also:

By Mr. Hooton:

H. 116. To amend Sections 35, 36 and 41 of Title 49 of the 1940 Code of Alabama.

Also:

By Mr. Sessions:

H. 51. To provide for the allocation of funds for the administration of assistance to needy blind persons.

Also:
By Mr. Gwin:
H. 44. To repeal Sections 24 and 32 of Title 49 of the 1940 Code of Alabama.

Also:
By Mr. Coburn:
H. 21. To amend Sections 20, 22, 26 and 30 of Title 49 of the 1940 Code of Alabama.

Also:
By Mr. Hooton:
H. 118. To amend Sections 53, 55, 56, 59, 60 and 61 of Title 49 of the 1940 Code of Alabama.

And sends same herewith without engrossment to the Senate.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bills set out in the foregoing Message from the House were severally read one time and referred to appropriate Standing Committee as follows:
House bills 124, 121, 116, 51, 44, 21, 118, to the Committee on Public Welfare and Correctional Institutions.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:
Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the second day and finds same correct and containing all original entries and references thereto required by the Constitution.

Jim Smith, Jr.,
Chairman.

COMMITTEE REPORT

On motion of Mr. Smith, the foregoing report was concurred in and the Journal of the Senate for the second day approved by the Senate.

ADJOURNMENT

At 12:20 P. M., on motion of Mr. Kilborn, the Senate adjourned until tomorrow morning May 7, 1943, at 10 o'clock.

FOURTH DAY

Friday, May 7, 1943

The Senate met pursuant to adjournment, Lieutenant Governor Ellis presiding.

PRAYER

The session was opened with Prayer by Dr. R. E. Britain, of First Methodist Church, Montgomery.

ROLL CALL

Present:

Messrs.:	Dodson	Jones	St. John (Lawrence)
Benson	Espy	Kilborn	Shaver
Bentley	Garrett	Lawson	Sherrer
Black	Goodwin	Madison	Simpson
Bradford	Henderson	McCary	Smith
Carlton	High	Newton	Taylor
Cater	Hill	Pinson	Toomer
Cobb	Hornsby	St. John (Cullman)	Walton

—31

JOURNAL

On motion of Mr. Carlton, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

RESOLUTIONS

The Rules Committee offered the following resolution, to-wit:

S. J. R. 6. BE IT RESOLVED BY THE SENATE, the House concurring, when the two houses adjourn today, they adjourn to meet Tuesday morning, May 11, 1943.

Which was adopted by the Senate.

Mr. McCary offered the following resolution, to-wit:

S. R. 7. Be it resolved by the Senate of Alabama

That the Secretary of the Senate be and hereby is authorized and instructed to furnish to each member, not later than the next meeting of the Senate, a copy of all bills heretofore introduced.

He shall henceforth furnish each member a copy of all bills, not later than the next day after such bills have had their first reading in the Senate.

He shall also furnish each member, not later than the next day after adoption, a copy of all amendments to bills adopted by a Committee.

Which was read and referred to the Standing Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Hill:

S. 144. To fix the salaries of the Appellate Court Judges of the State of Alabama by restoring them to that level of compensation received by the Judges thereof on December 1st, 1927, and to provide for the payment thereof.

Committee on Finance and Taxation.

By Mr. St. John (Lawrence):

S. 145. To abolish all matriculation and incidental fees in all accredited high schools of the State, except a reasonable fee for library, laboratory, shop work, or commercial course.

Committee on Education.

By Mr. St. John (Cullman):

S. 146. To amend Section 117 of Title 28, Code of Alabama of 1940.

Committee on Municipalities and Municipal Organizations.

By Mr. High:

S. 147. To amend Section 60, Title 36, Code 1940.

Committee on Judiciary.

By Mr. McCary:

S. 148. To fix the salary of the Deputy Solicitor for Calhoun County, Alabama, at twenty-four hundred dollars per year, and to provide for the payment thereof.

Committee on Local Legislation.

Wtih notice and proof thereto attached and herewith exhibited as follows:

NOTICE

The following Bill or Act will be introduced at the Session of the Legislature of Alabama which convenes in November, 1942, or at the first Session of the Legislature of Alabama which convenes thereafter, to-wit:

A BILL ENTITLED
AN ACT

To fixe the salary of the Deputy Solicitor for Calhoun County, Alabama, at twenty-four hundred dollars per year, and to provide for the payment thereof.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the salary of the Deputy Solicitor of Calhoun County, Alabama, be, and the same hereby is, fixed at the sum of Twenty-four Hundred ($2,400.00) Dollars per year, payable out of the County Treasury of said County, in monthly installments of Two Hundred ($200.00) Dollars each, as provided by law for payment of salaries out of the General Fund of said County.

Section II. That all laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section III. That this Act shall go into effect immediately upon its passage and approval by the Governor. 16-23-30-7

Personally appeared before me Ralph W. Callahan, who, being duly sworn, makes oath that he is Business Manager of The Anniston Star, a daily newspaper published in Anniston, Ala., and that the attached notice was published on the following dates, October 16, 23 & 30; November 7, 1942.

RALPH W. CALLAHAN.

Sworn to and subscribed before me this 9 day of March, 1943.

CLARA B. WRIGHT,
Notary Public.

(Seal)

By Mr. Madison:

S. 149. To make an appropriation to the Public Library Service Division of the State Department of Archives and History.

Committee on Finance and Taxation.

By Mr. Madison:

S. 150. To make an appropriation from the general fund of the State Treasury to the Alabama Special Educational Trust Fund.

Committee on Education.

By Mr. Newton:

S. 151. To amend Section 279 of Title 26, Code of Alabama, 1940.

Committee on Immigration, Industrial Resources and Labor.

By Mr. Newton:

S. 152. To amend Section 732, Title 51, Code 1940.

Committee on Finance and Taxation.

By Mr. Simpson:

S. 153. To amend Section 755, Sub-section (f), Title 51, of the Code of Alabama of 1940.

Committee on Agriculture.

By Mr. Simpson:

S. 154. To amend Section 755, Sub-section (h), Title 51, of the Code of Alabama of 1940.

Committee on Agriculture.

By Mr. Taylor:

S. 155. To provide for the appointment by the Governor of a competent number of notaries public for the state at large; to fix their term of office and to define their jurisdiction, power and authority and to provide for making of bond and the adoption of a seal.

Committee on Judiciary.

By Mr. Cobb:

S. 156. To provide for relief of individuals, partnerships and corporations engaged in business in which stocks of merchandise are now or may have been frozen by orders of Office of Price Administration or other federal governmental agencies for war emergency from ad valorem taxation, and to provide for the time for which such relief shall extend or cover.

Committee on Finance and Taxation.

By Mr. Henderson:

S. 157. To abolish and prohibit in the public schools and high schools of Alabama all matriculation, incidental, library, laboratory, shop work or other fees, and to repeal Title 52 Section 437 of the Code of Alabama 1940.

Committee on Education.

By Mr. High:

S. 158. To regulate notice of adverse claim to a bank deposit and to prescribe requirements, including indemnity bond, and the procedure necessary to make such claim effective or cause recognition of adverse claim; and exempting from application of Act deposits standing in name of person who is a fiduciary for adverse claimant, if that fact and reasonable cause to believe fiduciary is about to misappropriate deposit are made to appear by affidavit of such claimant.

Committee on Banking.

By Mr. High:

S. 159. To amend Title 5, Section 82, of the Code of Alabama of 1940, so as to include as exempt from its provisions loans or obligations secured or covered by guaranties, commitments or agreements to take over or purchase the same, made by any Federal Reserve Bank or by the United States, or any Department, Board,

Bureau, Commission or agency thereof, or corporation wholly owned directly or indirectly by the United States.

Committee on Banking.

REPORTS OF COMMITTEES

Mr. Madison, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Simpson:

S. 24. To amend Section 151 of Chapter 8 of Title 52 of the Code of Alabama of 1940.

By Mr. Madison:

S. 21. To amend Sections 362, 364, 365, 366, 367, 368, 369, and 372, of Title 52 of the Code of Alabama of 1940.

Mr. Walton, Chairman of the Standing Committee on Public Welfare and Correctional Institutions, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Coburn:

H. 21. To amend Sections 20, 22, 26 and 30 of Title 49 of the 1940 Code of Alabama.

By Mr. Gwin:

H. 44. To repeal Sections 24 and 32 of Title 49 of the 1940 Code of Alabama.

By Mr. Cole:

H. 124. To exempt assistance grants to needy blind persons from levy, garnishment, attachment and all taxes.

By Mr. Bradford:

S. 50. To provide for the allocation of funds for the administration of assistance to needy blind persons.

By Mr. Bradford:

S. 49. To amend Sections 20, 22, 26 and 30 of Title 49 of the 1940 Code of Alabama.

Mr. Hill, Vice-Chairman of the Standing Committee on Public Roads and Highways, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the

Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Hornsby:

S. 18. To provide for a public corporation for the purposes of constructing or causing to be constructed public roads and bridges in this State and related purposes; to described its powers and duties, and to provide for the raising of necessary funds for such purposes, and to provide for the payment of the cost of construction of such roads and bridges, and to authorize such corporation to borrow money and match Federal funds for public roads, bridges and highways constructed and to issue bonds, warrants, assignments, transfers, or securities, and to aid in the several counties of the State in negotiating or otherwise financing interest bearing warrants of such counties, secured by pledge of the proceeds of gasoline tax appropriations to the counties by the State, and to contract with counties, the State Highway Department of Alabama, or other agencies performing any of the functions thereof by whatever name it may be known, the Federal Emergency Administration of Public Works, and any other branch or agency of the Federal Government or other authorities, and persons, firms, or corporations; and to repeal Article 3, Chapter 2, Title 23 of the Code of Alabama 1940, Sections 112 to 124, inclusive.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the resolution:

By Mr. White:

H. J. R. 3. That this Legislature pledge the states full manpower and resources to the President and Congress of the United States for the prosecution of the war to a victorious conclusion.

R. T. Goodwyn, Jr.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Sullivan, Mr. Stone and Mr. Johnston:

H. 92. To relieve the Tax Assessor of Mobile County, Alabama, from the duty of preparing a book of assessments, and in lieu thereof to arrange in alphabetical order the original assessment

lists and have same permanently bound and kept as a permanent record and prepare tax collector's abstracts from such assessment lists.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given, pursuant to Article 4, Section 106, of the Constitution of the State of Alabama, that a bill will be introduced for passage in the next session of the Legislature of Alabama, which said will provides in substance, as follows:

A BILL TO BE ENTITLED AN ACT

To relieve the Tax Assessor of Mobile County, Alabama, from the duty of preparing a book of assessments, and in lieu thereof arrange in alphabetical order the original assessment lists and have same permanently bound and kept as a permanent record and prepare tax collector's abstracts from such assessment lists.

Be it Enacted by the Legislature of Alabama:

Section 1. That the Tax Assessor of Mobile County, Alabama, shall not be required to prepare a book of assessments, but in lieu thereof shall be required to arrange in alphabetical order the original assessment lists and cause the same to be permanently bound and such assessment lists when bound shall constitute the book of assessments to all intents and purposes. Such assessment lists when bound shall be preserved permanently as a matter of record and the collector's abstracts shall be prepared direct from the assessment lists.

Section 2. That all laws and parts of laws that conflict with this Act are hereby repealed.

Section 3. That this Act shall be effective on its approval by the Governor.

Feb. 26; March 5, 12, 19.

State of Alabama)
County of Mobile)

Personally appeared before me the undersigned authority in and for said state and county, C. M. Shepard, Jr., who being sworn does depose and say he is the Publisher of the Mobile Post, a weekly newspaper of general circulation printed and published in Mobile County, Alabama, and that the attached advertisement was published in the Mobile Post on Feb. 26; March 5, 12, and 19, 1943. C. M. SHEPARD, JR.

Sworn and subscribed to before me on the 24 of March, 1943.

E. C. VAUGHAN, Notary Public, Mobile County, Alabama.

Also:

By Mr. Stone, Mr. Johnston and Mr. Sullivan

H. 94. To authorize the Sheriff of Mobile County, Alabama, to select and appoint an attorney to advise and counsel him on the

operation of such office and to handle all legal matters pertaining to said office; to provide for the manner of the appointment of such attorney, the term of office of such attorney; to provide for the salary of such attorney and the method of payment of such salary.

With notice and proof thereto attached and herewith exhibited, as follows:

LEGAL NOTICE

Notice is hereby given that application will be made to the Legislature of Alabama at the regular session thereof to be convened on the 4th day of May, 1943, or of any adjournment thereof, for the introduction and enactment into law of the following bill, viz:

AN ACT

To authorize the Sheriff of Mobile County, Alabama, to select and appoint an attorney to advise and counsel him on the operation of such office and to handle all legal matters pertaining to said office; to provide for the manner of the appointment of such attorney, the term of office of such attorney; to provide for the salary of such attorney and the method of payment of such salary.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the Sheriff of Mobile County is hereby authorized and empowered to select and appoint an attorney to advise and counsel him in the operation of such office and to handle all legal matters pertaining to the operation of such office, said attorney to serve at the pleasure of such Sheriff.

Section 2. Such attorney so appointed shall receive as his compensation Twelve hundred and no/100 ($1,200.00) Dollars per annum, payable in equal monthly installments upon warrants drawn in the same manner as other employes of Mobile County.

Section 3. This act shall become effective immediately upon its passage by the Legislature and its approval by the Governor, or its otherwise becoming a law.

Wm. M. Curran being sworn, says that he is Auditor of The Mobile Press and The Mobile Register daily newspapers printed end published in the City and County of Mobile. State of Alabama; and that the attached notice Appeared in the issues of The Mobile Press, April 8-15-22-29th, 1943.

W. M. CURRAN.

Sworn to and subscribed before me this 30th day of April, 1943.

(Seal) GREG L. KENNY, Notary public.

Also:

By Mr. Hankins:

H. 64. To provide for the election of a County Superintended of Education for Lamar County, Alabama, by the qualified electors thereof, to fix the term of office, to prescribe the duties and qualifications, to fix the salary and expense allowance, to outline the

duties and powers, to provide for the filling of vacancies, to repeal all laws in conflict herewith and to fix the effective date of this act.

With notice and proof thereto attached and herewith exhibited, as follows:

Notice is hereby given that there will be introduced at the next regular session of the legislature a bill to make the office of County Superintendent of Education of Lamar County elective, to fix the term of office, to prescribe the duties and qualifications, to outline the duties and powers, to provide for the filling of vacancies and to fix the effective date of the act.

A BILL
TO BE ENTITLED
AN ACT

To provide for the election of a County Superintendent of Education for Lamar County, Alabama by the qualified electors thereof, to fix the term of office, to prescribe the duties and qualifications, to fix the salary and expense allowance, to outline the duties and powers, to provide for the filling of vacancies, to repeal all laws in conflict herewith and to fix the effective date of this act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That at the general election to be held in the State of Alabama during the month of November in the year 1944, and every four years thereafter, a county superintendent of education for Lamar County, Alabama, shall be elected by the qualified voters of Lamar County.

Section 2. The Superintendent elected in 1944 shall assume the duties of the office July 1, 1945, and shall hold office for a period of four years or until his successor is elected and qualified.

Section 3. That only those persons shall be eligible for political party nomination or election to the office of County Superintendent of Education of Lamar County, Alabama, who are qualified electors of said county, and who either have an Alabama certificate in administration and supervision based upon graduation in an approved course from a standard college or university and proof of three years of successful teaching experience, or who meet the qualifications prescribed by general law for County Superintendent of Education, or have held the position of County Superintendent of Education of Lamar County for two years or more prior to the passage and approval of this act.

Section 4. That commencing July 1, 1945, the salary of the County Superintendent of Education of Lamar County shall be $3,000 per annum, and he shall be allowed for traveling expenses a sum set by the County Board of Education which shall not exceed $600.00 per annum. Said salary and expense shall be paid in the same way and manner as is provided by the general laws of the State of Alabama for the payment of County Superintendents of Education in the several counties of the State of Alabama.

Section 5. That the County Superintendent of Education of Lamar County, Alabama, shall be charged with the same duties, and shall exercise the same powers as are now provided by the General School Law of the State of Alabama, or any amendments thereto.

Section 6. That in the event the office of County Superintendent of Education of Lamar County becomes vacant for any cause, the Board of Education of Lamar County shall appoint a person to serve the unexpired term.

Section 7. That if any clause, sentence, paragraph, section, or part of this act shall for any reason be declared unconstitutional by any court of competent jurisdiction, it shall not affect the validity or constitutionality of any remaining sentence, clause, paragraph, section, or part of this act.

Section 8. That all laws or parts of laws in conflict with the provisions of this act, in so far as they relate to Lamar County, be and the same are hereby repealed.

Section 9. This act shall become effective July 1, 1943.

The State of Alabama,
Lamar County.

Before me, Myrtle Clearman, a Notary Public, in and for said county and state, personally appeared Lee Barnes, who being by me duly sworn, deposes and says the attached local bill providing for the election of a County Superintendent of Education, in Lamar County, was published in The Lamar Democrat a weekly newspaper published in Lamar County, Alabama, for four consecutive issues as follows: March 31, April 7, 14, and 21st, 1943.

Lee Barnes, Publisher.

Sworn to and subscribed before me this the 28th day of April, 1943.

Myrtle H. Clearman, Notary Public.

Also:

By Mr. Fite:

H. 73. To further regulate the County Court of Marion County, Alabama; to define its jurisdiction and powers; to provide for a judge of said Court and for his election, and to prescribe his term of office, powers, jurisdiction, duties and compensation; to make said Court a court of record, and to provide that said Court shall be open at all times for the trial of cases and the transaction of business; and to prescribe rules and procedure for said Court.

With notice and proof thereto attached and herewith exhibited, as follows:

NOTICE OF INTENTION TO APPLY FOR PASSAGE OF LOCAL LAW

TO WHOM IT MAY CONCERN: In pursuance of the requirements of Section 106 of the Constitution of Alabama of 1901, notice is hereby given that application will be made to the Legislature of Alabama at the regular 1943 session thereof, which reconvenes in May, 1943, for the passage of a local law in substance as follows:

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Judge of the County Court of Marion County, Alabama, shall be a person learned in the law who has been admitted to practice law in the State of Alabama, and he shall be a qualified elector of said County.

Section 2. The present Judge of said County Court shall continue to be the Judge of said County Court until the first Monday after the second Tuesday in January 1947, and until his successor is elected and qualified. At the general election in 1946, and every six years thereafter, the Judge of said

County Court shall be elected by the qualified voters of Marion County, and the Judge so elected shall hold office for the term of six years from the first Monday after the second Tuesday in January next after his election, and until his successor is elected and qualified. The Judge of said County Court before entering upon the duties of said office shall take the oath required by law to be taken by Judges of the Circuit Courts of Alabama. He shall receive a salary of $150.00 per month, to be paid as a preferred claim out of the general fund of said County.

Section 3. The Judge of said County Court shall not practice as an attorney in any court of the State or of the United States.

Section 4. It shall be the duty of the Judge of said Court to remain on duty at the County Seat at all times for the convenience of and transaction of business for the public. For the convenience of the public it is expressly required by this Act that the Judge of said County Court shall during his term of office at all times have his permanent residence at, and live at, the County Seat of Marion County. Failure to comply with this section shall constitute a vacation of his office.

Section 5. The Judge of said County Court shall call the docket for the trial of criminal cases in said Court on Monday of each week, and he shall call the docket for the trial of civil cases in said Court on Tuesday of each week, except when the Circuit Court of said County is in session.

Section 6. In addition to the jurisdiction and powers already possessed, said County Court shall have County-wide an concurrent jurisdiction with justices of the peace in said County in all civil matters. And when exercising the jurisdiction of justices of the peace in civil proceedings the Judge of said County Court shall follow the same procedure as followed by justices of the peace, and he shall charge and collect the same fees and costs as are allowed justices of the peace in civil causes, all of which fees and costs shall be the property of Marion County, and all of which shall be paid by the Judge of the County Court at least once each month into the County Treasury of Marion County. The Sheriff of said County shall execute all processes, civil or criminal, arising in said Court, and shall receive fees therefor as provided by the general laws. Witnesses in attendance on the trial of civil cases in said Court shall receive the same pay as is allowed in courts of justices of the peace, to be paid in the same manner as witnesses in courts of justices of the peace are paid.

Section 7. Right of appeal from judgments of said County Court shall be the same in civil cases as is now provided by law for appeals from judgments of justices of the peace; and the law relating to appeals and certioraris from courts of justices of the peace in civil matters shall apply to appeals and certioraris from said County Court.

Section 8. The Judge of said County Court shall have jurisdiction in habeas corpus proceedings to the same extent that Probate Judges and justices of the peace now have; he shall have jurisdiction of bastardy proceedings and of matters involving the custody of children; he shall have the same power and authority to admit to bail that is by law conferred on Circuit Judges and Probate Judges; and he shall have the same powers and authority that are now, or may hereafter by law be, conferred on the Judges of the County Courts of this State.

Section 9. All the jurisdiction, powers and duties now conferred or imposed upon Probate Courts of Alabama, or the Judges thereof, respectively, by the several provisions of Chapter 7 of Title 13 of the 1940 Code of Alabama, or by any other law of the State relating generally to juvenile delinquents, probation officers, wards of the State and dependent children are hereby conferred and imposed upon the County Court of said County, or the Judge thereof, respectively, the same as they are now or may hereafter be

conferred upon the several Probate Courts of Alabama, or the judges thereof, respectively.

Section 10. All the jurisdiction, powers and duties now conferred or imposed upon the Probate Courts of Alabama or the Judges thereof by the respective provisions of Article 3 of Chapter 4 of Title 34 of the 1940 Code of Alabama, or by any law relating to the duties of a husband to his wife or by parents to their children, are hereby imposed upon the County Court of said County, or the Judge thereof, respectively, the same as they are now, or may hereafter be, conferred or imposed upon the Probate Courts of said State, or the Judges thereof, respectively.

Section 11. Hereafter the Probate Court of Marion County, Alabama, and the Judge thereof, shall be relieved of all jurisdiction, powers and duties which are by this Act conferred or imposed upon the County Court of said County, or the Judge thereof; and such jurisdiction, powers and duties shall not hereafter be performed by said Probate Court, or the Judge thereof.

Section 12. Vacancies in the office of Judge of said Court shall be filled by appointment of the Governor for the unexpired term.

Section 13. The Court of County Commissioners or other governing body of said County shall provide the Judge of said County Court with all necessary dockets, stationery and supplies needed for transacting the business of the Court, together with an office in the Court House.

Section 14. Said County Court shall be a court of record, but no papers or other process in civil proceedings shall be recorded by final record. Said Court shall be open at all times for the transaction of business.

Section 15. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 16. This Act shall go into effect immediately upon its approval by the Governor.

This, March 30, 1943.

4-1-8-15-22 ERNEST B. FITE.

PUBLISHER'S AFFIDAVIT

State of Alabama,
Marion County.

Before me, B. H. Carpenter, Clerk of the Circuit Court in and for said County, in State aforesaid, personally appeared F. B. McKENZIE, who, being duly sworn, doth depose and say that he is publisher of THE MARION COUNTY NEWS, a weekly newspaper published in the Town of Hamilton, State and County aforesaid, and that a certain advertisement (a true copy of which is hereto attached) has been published in said newspaper for four consecutive weeks prior to the first day of April, 1943, and the respective numbers and date of said newspaper in which said publication was made are the following, to-wit:

No. 25 the 1st day of April, 1943: No. 26 the 8th day of April, 1943; No. 27 the 15th day of April, 1943; No. 28 the 22nd day of April, 1943.

And said publication was made without cost to the State of Alabama.

F. B. McKENZIE, Publisher.

Sworn to and subscribed before me, this first day of May, 1943.

B. H. CARPENTER, Clerk of the Circuit Court.

Also:

By Mr. Johnston, Mr. Stone and Mr. Sullivan:

H. 105. To amend Section 3 of an act entitled: An Act "To place the Sheriff of Mobile County, Alabama, on a salary basis,

and to provide the salary to be paid to such officer; to provide the date on which said officer shall be placed on a salary basis; to provide for the manner of payment of said salary of such officer out of the County Treasury of Mobile County, Alabama; to provide deputies, clerks, guards and other assistants for such officer and to provide the salaries and manner of payment of such salaries for such deputies, clerks, guards and other assistants; to provide for payment into the Treasury of Mobile County, Alabama, of all fees, fines and forfeitures collected by said officer; and to provide for the necessary equipment and supplies for said officer."

With notice and proof thereto attached and herewith exhibited, as follows:

Notice is hereby given that application will be made to the Legislature of Alabama at the regular session thereof to be convened on the 4th day of May, 1943 or of any adjournment thereof, for the introduction and enactment into law of the following bill, viz:

AN ACT

To amend Section 3 of an act entitled: An Act "To place the Sheriff of Mobile County, Alabama, on a salary basis, and to provide the salary to be paid to such officer; to provide the date on which said officer shall be placed on a salary basis; to provide for the manner of payment of said salary of such officer out of the County Treasury of Mobile County, Alabama; to provide deputies, clerks, guards and other assistants for such officer and to provide the salaries and manner of payment of such salaries for such deputies, clerks, guards and other assistants; to provide for payment into the Treasury of Mobile County, Alabama, of all fees, fines and forfeitures collected by said officer; and to provide for the necessary equipment and supplies for said officer."

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That Section 3 of An Act entitled An Act "To place the Sheriff of Mobile County, Alabama, on a salary basis, and to provide the salary to be paid to such officer; to provide the date on which said officer shall be placed on a salary basis; to provide for the manner of payment of said salary of such officer out of the County Treasury of Mobile County, Alabama; to provide deputies, clerks, guards and other assistants for such officer and to provide the salaries and manner of payment of such salaries for such deputies, clerks, guards and other assistants; to provide for payment into the Treasury of Mobile County, Alabama, of all fees, fines and forfeitures collected by said officer; and to provide for the necessary equipment and supplies for said officer" be and the same is hereby amended so as to read as follows:

"Section 3. The Sheriff of Mobile County, Alabama, may, after the effective date of this act, employ the following assistants at the following rate of compensation, viz: One (1) Chief Deputy Sheriff to receive Twenty-four Hundred ($2,400.00) Dollars per annum; not less than Eight (8) Civil and Criminal Deputy Sheriffs to receive not less than Fifteen Hundred ($1,500.00) Dollars each per annum; One (1) Civil and Criminal Deputy Sheriff, who

shall also act as Bailiff of the Inferior Court of Mobile County, Alabama, to receive not less than Fifteen Hundred ($1,500.00) Dollars per annum; Three (3) part time Deputy Sheriffs to receive not less than Six Hundred ($600.00) Dollars each per annum; not less than Four (4) Jail Guards to receive not less than Fifteen Hundred ($1,500.00) Dollars each per annum; One (1) office employe to receive not less than Eighteen Hundred ($1,800.00) Dollars per annum; Two (2) office employes to receive not less than Fifteen Hundred ($1,500.00) Dollars each per annum; One (1) office employe to receive not less than Nine Hundred ($900.00) Dollars per annum; One (1) Jail Matron to receive not less than One Thousand ($1,000.00) Dollars per annum; One (1) Kitchen Steward to receive not less than Nine Hundred ($900.00) Dollars per annum.

"Each of the foregoing assistants shall receive their compensation in equal monthly installments upon warrants drawn in the same manner as other employes of Mobile County.

"The power and authority to fix the salaries of each and every assistant herein provided for, except Chief Deputy Sheriff, above the minimum amounts named in this section is hereby conferred on the Personnel Board of the Civil Service System of Mobile County, Alabama; and all assistants affected hereby, except the Chief Deputy Sheriff, shall be subject to all terms and provisions of the Civil Service Act relating to Mobile County, said act having been passed at the 1939 Session and being House Bill No. 952 and having been approved September 15, 1939."

Section 2. Nothing herein contained shall be construed as depriving the Personnel Board of the Civil Service System of Mobile County, Alabama, of authority to provide additional assistants for the Sheriff of Mobile County, Alabama.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Press April 8-15-22-29.

Wm. M. Curran being sworn, says that he is Auditor of The Mobile Press and The Mobile Register, daily newspapers printed and published in the City and County of Mobile, State of Alabama; and that the attached notice appeared in the issues of The Mobile Press, April 8-15-22-29th, 1943.

W. M. CURRAN.

Sworn to and subscribed before me this 30 day of April, 1943.

GREG L. KENNY, Notary public.

Also:

By Mr. Sullivan, Mr. Stone and Mr. Johnston:

H. 91. To make it the duty of the Register of the Circuit Court of Mobile County, Alabama, in addition to his other duties, to receive when tendered, all alimony or maintenance that may be awarded by the Circuit Court of Mobile County, Alabama, to disburse, and to keep a separate record of such receipts and disbursements, and to provide extra compensation for such new and additional duty or duties.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that a local bill for Mobile County, will be introduced for passage at the regular session of the Legislature of Alabama, which will convene in May, 1943, providing in substance as follows:

A bill to be entitled:

AN ACT

to make it the duty of the Register of the Circuit Court of Mobile County, Alabama, in addition to his other duties, to receive when tendered, all alimony or maintenance that may be awarded by the Circuit Court of Mobile County, Alabama, to disburse same, and to keep a separate record of such receipts and disbursements, and to provide extra compensation for such new and additional duty or duties.

Be it enacted by the Legislature of Alabama, that:

Section 1. It is hereby made the duty of the Register of the Circuit Court of Mobile County, Alabama, in addition to his other duties, to receive when tendered, all alimony or maintenance that may be awarded by the Circuit Court of Mobile County, Alabama, and to disburse the same to whom awarded, and to keep a separate record of all such receipts and disbursements in each case, and for such new and additional duty he is hereby awarded and shall be paid as an extra compensation, the sum of eighteen hundred dollars per annum, which shall be in addition to the salary he now receives.

Section 2. The said sum of eighteen hundred dollars per annum shall be paid in equal monthly installments to said Register, in addition to the salary he now receives, out of the General Fund of Mobile County, Alabama.

Section 3. This Act shall take effect upon its passage.

Press April 3, 10, 17, 24

Wm. M. Curran being sworn, says that he is Auditor of The Mobile Press and The Mobile Register, daily newspapers printed and published in the City and County of Mobile, State of Alabama; and that the attached notice appeared in the issues of The Mobile Press, April 3-10-17 & 24th, 1943.

W. M. CURRAN.

Sworn to and subscribed before me this 26 day of April, 1943.

(Seal) GREG L. KENNY, Notary Public.

Also:

By Mr. Fite:

H. 84. To abolish the office of Deputy Solicitor of Marion County, and to create in lieu thereof the office of County Solicitor of Marion County; to provide for said County Solicitor and for his election; and prescribe his term of office, powers, duties, jurisdiction and compensation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF INTENTION TO APPLY FOR PASSAGE OF LOCAL LAW

To Whom It May Concern:

In pursuance of the requirements of Section 106 of the Constitution of Alabama of 1901, notice is hereby given that application will be made to the Legislature of Alabama at the regular 1943 session thereof, which reconvenes in May, 1943, for the passage of a local law in substance as follows:

Be It Enacted By The Legislature of Alabama:

Section 1. That the office of Deputy Solicitor of Marion County is hereby abolished, and there is hereby created in lieu thereof the office of County Solicitor of Marion County. The present Deputy Solicitor of Marion County is hereby made the County Solicitor of Marion County until the first Monday after the second Tuesday in January, 1947. At the general election in 1946, and every four years thereafter, the County Solicitor of Marion County shall be elected by the qualified voters of Marion county, and the County Solicitor so elected shall hold office for four years, commencing on the first Monday after the second Tuesday in January next after his election, and until his successor is elected and qualified. The County Solicitor before entering upon the duties of said office shall take the same oath required by law to be taken by the Solicitors of the Circuit Courts of Alabama. The County Solicitor shall receive a salary of $100.00 per month, to be paid as a preferred claim out of the general fund of said County.

Section 2. The County Solicitor shall be a person learned in the law who has been admitted to practice law in the State of Alabama, and a qualified elector of said County.

Section 3. The County Solicitor shall have the duty of prosecuting all criminal cases in County Court, and shall assist the Circuit Solicitor in prosecuting all appeals therefrom to the Circuit Court, and shall have all the powers of, and shall perform all other duties now or hereafter provided by general law, for Deputy Solicitors.

Section 4. The County Solicitor shall not represent or defend as attorney any defendant in any criminal case in any Court of the State of Alabama or of the United States.

Section 5. For the convenience of the public it is expressly required by this Act that the County Solicitor shall during his term of office at all times have his permanent residence at, and live at, the County Seat of Marion County. Failure to comply with this section shall constitute a vacation of his office.

Section 6. Vacancies in the office of County Solicitor shall be filled by appointment of the Governor for the unexpired term.

Section 7. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 8. This Act shall go into effect immediately upon its approval by the Governor.

This, the 30th day of March, 1943.

4-1-8-15-22 ERNEST B. FITE.

PUBLISHER'S AFFIDAVIT

State of Alabama,
Marion County.

Before me, B. H. Carpenter, Clerk of the Circuit Court in and for said County, in State aforesaid, personally appeared F. B. McKENZIE, who, being duly sworn, doth depose and say that he is publisher of THE MARION COUNTY NEWS, a weekly newspaper published in the Town of Hamilton, State and County aforesaid, and that a certain advertisement (a true copy of which is hereto attached) has been published in said newspaper for four consecutive weeks prior to the first day of April, 1943, and the respective numbers and dates of said newspaper in which said publication was made are the following, to-wit:

No. 25 the 1st day of April, 1943; No. 26 the 8th day of April, 1943; No. 27 the 15th day of April, 1943; No. 28 the 22nd day of April, 1943.

And said publication was made without cost to the State of Alabama.

F. B. McKENZIE, Publisher.

Sworn to and subscribed before me, this first day of May, 1943.

B. H. CARPENTER, Clerk of the Circuit Court.

Also:

By Mr. Johnston, Mr. Stone and Mr. Sullivan:

H. 103. To amend section 55 of title 62 of the Code of Alabama of 1940.

With notice and proof thereto attached and herewith exhibited as follows:

State of Alabama,

Mobile County.

Before the undersigned authority, personally appeared W. M. Curran, who being duly sworn upon oath deposes and says that he is the Auditor of Mobile Daily Newspapers, Inc., a corporation, which is the publisher of The Mobile Register, a newspaper published in the City and County of Mobile, State of Alabama, and that the attached notice was published once a week for four consecutive weeks in said newspaper, namely on the 7th., 14th., 21st. and 28th. days of April 1943, said notice as so published being as follows, viz.,

NOTICE

TO WHOM IT MAY CONCERN:

You will take notice that at the adjourned session of the regular session of the Legislature of Alabama which convenes on May 4th, 1943, a bill will be introduced and its enactment applied for, which said bill will be in substance as follows:

An act to amend section 55 of Title 62 of the Code of Alabama of 1940.

Be it enacted by the Legislature of Alabama:

Section 1. That section 55 of Title 62 of the Code of Alabama of 1940 be and it is hereby amended so as to read as follows:

Section 55. Appointment of Judge; term; salary; There shall be a judge of said juvenile court whose term of office shall be for three years from the date of his appointment and until his successor is appointed and qualified, which successor shall be appointed by the juvenile court commission of said County. Said Judge shall have been a citizen of the state and the county for at least five years before his appointment, shall be learned in the law, and shall not be less than twenty-five years of age. He shall be a person of high moral character, clean life, and shall be selected for his special fitness by training, education, and experience to deal with the problems of dependent, neglected and delinquent children. The salary of said Judge shall be thirty-three hundred dollars per year, payable in twelve equal monthly installments out of the general funds of the county. The Judge of said court shall have authority where not otherwise provided for by law to fix the character and form of the records of the court. He may practice law insofar as it does not interfere with his duties as a judge, but not in any case or matter that arose in said juvenile court.

Section 2. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Section 3. That this act shall go into effect upon enactment.

Reg. apr 7-14-21-28
W. M. CURRAN, Auditor.

Subscribed and sworn to before me this 1 day of May, 1943.
(Seal) GREG L. KENNY, Notary Public Mobile County, Ala.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bills set out in the foregoing Message from the House were severally read one time and referred to appropriate Standing Committee as follows:

House bills H. 92, 94, 64, 73, 105, 91, 84, 103, to the Committee on Local Legislation.

COMMITTEE BILLS REPORTED FAVORABLY AND RE-REFERRED

Mr. Walton, Chairman of the Standing Committee on Public Welfare and Correctional Institutions, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, to-wit, and said bills were read a second time and re-referred by the President of the Senate to the Standing Committee on Finance and Taxation.

H. B. 121. To amend Sections 29 and 35 of Title 60 of the 1940 Code of Alabama.

H. B. 125. To provide for the presentation and payment of all outstanding checks or warrants drawn against the Alabama Relief Administration or any account available for its use and the appropriation to the State Department of Public Welfare for public welfare purposes of such funds as are not claimed within six months from the passage of this Act.

H. B. 51. To provide for the allocation of funds for the administration of assistance to needy blind persons.

S. 25. To provide for the presentation and payment of all outstanding checks or warrants drawn against the Alabama Relief Administration or any account available for its use and the appropriation to the State Department of Public Welfare for public welfare purposes of such funds as are not claimed within six months from the passage of this Act.

POSTPONEMENT OF NOTICE TO SUSPEND RULES

Mr. St. John of Cullman postponed further consideration of notice to suspend Rule 24 of the Senate, which notice was given on the second day, until the eighth day.

BILL ON THIRD READING

The bill:

S. 26. To amend Sections 29 and 35 of Title 60 of the 1940 Code of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 30; Nays, 0.

Yeas:

Messrs.:	Dodson	Kilborn	Shaver	
Benson	Espy	Lawson	Sherrer	
Bentley	Garrett	Madison	Simpson	
Black	Goodwin	McCary	Smith	
Bradford	Henderson	Newton	Taylor	
Carlton	High	Pinson	Toomer	
Cater	Hill	St. John (Cullman)	Walton	
Cobb	Hornsby	St. John (Lawrence)		—30

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate joint resolution:

By the Rules Committee:

S. J. R. 6. BE IT RESOLVED by the Senate, the House concurring, when the two houses adjourn today, they adjourn to meet Tuesday morning, May 11, 1943.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate joint resolution:

By Simpson:
S. J. R. 4. Relative to the urgent need for a Jewish homeland to be established in Palestine.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:
The House has concurred in and adopted the following Senate joint resolution:

By Mr. Walton:
S. J. R. 5. Relative to the efforts of the people of Alabama and of the Nation towards the winning of the war and the defeat of the Axis powers.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:
The House has originated and passed the following bills:

By Mr. Carnley:
H. 15. To provide that the officer admitting a defendant to bail shall secure the address of such defendant and the sureties on his bond.

Also:
By Mr. Fite:
H. 80. To amend equity rules fifty-one and fifty-two as set out in the 1940 Code of Alabama.

Also:
By Mr. Fite:
H. 81. To amend section six of equity rule fifty-five as it now appears in the 1940 Code of Alabama.

Also:
By Mr. Sullivan:
H. 88. To Amend Section 40 of Title 61 of the Code of Alabama, 1940.

Also:
By Mr. Stone, Mr. Johnston of Mobile, and Mr. Sullivan:
H. 96. To amend Section 42, Title 62, of the Alabama Code of 1940; the same being parts of Sections one (1), two (2), and three (3) of an Act found in the Acts of Alabama, 1931, page 266, as amended by the Acts of Alabama, Special Session, 1933, pages 98 and 99, and approved April 4, 1933.

Also:
By Mr. Johnston of Mobile:
H. 98. To amend Section 342, Title 15, 1940 Code of Alabama.

And sends same herewith without engrossment to the Senate.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bills set out in the foregoing Message from the House were severally read one time at length and referred to appropriate standing committees as follows:
House bills 15, 80, 81, 88, 98, to the Committee of Judiciary.

H. 96, to the Committee on Local Legislation.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:
You standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the third day and finds same correct and containing all original entries and references thereto required by the Constitution.

Jim Smith, Jr.,
Chairman.

COMMITTEE REPORT

On motion of Mr. Smith, the foregoing report was concurred in and the Journal of the Senate for the third day approved by the Senate.

ADJOURNMENT

At 11:10 A. M., on motion of Mr. St. John of Lawrence, and in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, May 11, 1943, at 10 A. M.

EIGHTH DAY

(The Senate was not in session on the fifth, sixth **and seventh days.)**

Tuesday, May 11, 1943.

The Senate met pursuant to adjournment, Lieutenant-Governor Ellis presiding.

PRAYER

The session was opened with prayer by Dr. Pierce N. McDonald, Church of Ascension, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Dodson	Jones	St. John (Lawrence)
Benson	Espy	Kilborn	Shaver
Bentley	Garrett	Lawson	
Black	Goodwin	Madison	Simpson
Bradford	Henderson	McCary	Taylor
Carlton	High	Newton	Toomer
Cater	Hill	Pinson	Walton
Cobb	Hornsby	St. John (Cullman)	

JOURNAL

On motion of Mr. Carlton, the reading of the Journal of the Journal of the fourth day was dispensed with and same approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Shaver, leave of absence was granted Mr. Smith for today.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. St. John (Cullman):

S. 160. To authorize the governing body or road and bridge commissioner of each county in the State of Alabama, to refund, by the issuance of refunding warrants, the principal of and interest

on any warrants of such county outstanding on May 1, 1943, which were theretofore issued for the purpose of constructing or maintaining or aiding the construction or maintenance of roads and bridges in such county or for the purchase of supplies and equipment for the construction or maintenance of such roads and bridges; to specify properties of such refunding warrants; to authorize the pledge and use for the payment of the principal of and interest on such refunding warrants of so much as may be necessary of the proceeds hereafter receivable by such county from any tax now or hereafter levied by said state upon the sale, distribution, storage, and withdrawal from storage of gasoline and other liquid motor fuels and distributed to such county; to protect the holders of any such refunding warrants; and to repeal all laws or parts of laws in conflict with this act to the extent of any such conflict.

Committee on Public Roads and Highways.

By Mr. Walton:

S. 161. To propose to amend Section 194½ of the Constitution of Alabama so as to exempt certain persons who served in the armed forces, or auxiliaries thereof, of the United States during any time of war officially declared by the Congress of the United States to exist between the United States and any foreign nation, either in the past, at the present time, or in the future, from liability and payment of poll taxes and to qualify such persons to vote or hold office in the State of Alabama to order an election by the qualified electors of the State upon such proposed amendment to be held upon a day appointed by the Legislature, not les sthan three months after the final adjournment of the present session of the Legislature, namely, on the day of, 1943.

Committee on Constitution and Constitutional Revision and Amendments.

The above bill was read one time at length as required by the Constitution.

By Mr. Pinson:

S. 162. To provide that the State Teachers College at Livingston, Alabama be known as and named the Julia Tutwiler State Teachers College at Livingston, Alabama.

Committee on Education.

By Mr. Pinson:

S. 163. To fix the term of office of Tax Assessors and to provide for their election.

Committee on Judiciary.

By Mr. Pinson:

S. 164. To fix the term of office of Tax Collectors, and to provide for their election.

Committee on Judiciary.

By Mr. Cater:

S. 165. To amend Section 647, Title 51, of the Code of Alabama of 1940.

Committee on Judiciary.

By Mr. Simpson:

S. 166. To limit the time within which suits may be brought in the courts of this State for the recovery of wages, overtime, damages fees or penalties accruing under laws respecting the payment of wages and overtime, and specifically under the Act of Congress designated as the Fair Labor Standards Act of 1938 and similar laws.

Committee on Judiciary.

By Mr. Sherrer:

S. 167. To propose an amendment to the Constitution of Alabama relating to the time of convention of the Legislature, the length of sessions of the Legislature, and the compensation and travel allowance of members of the Legislature, and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held at the next general election after the final adjournment of the preesnt session of the Legislature. And to provide for the expenses of holding said election.

Committee on Constitution and Constitutional Revision and Amendments.

The above bill was read one time at length as required by the Constitution.

By Mr. Sherrer:

S. 168. To propose an amendment to the Constitution of Alabama, authorizing the Legislature to appropriate such portion of the surplus of the proceeds of the state income tax as it deems advisable for the purposes of public health, public welfare, including old age assistance, after provision has been made at any time for the payment of the next two maturing installments of principal and interest on the warrant refunding bonds of the State of Alabama isssued, or to be issued, pursuant to authority contained in Act No. 50 of the Legislature of Alabama passed at the regular session, 1935, and approved February 8, 1935; and to order and election by the qualified electors of the State of Alabama upon such proposed amendment to be held at the next general election after the

final adjournment of the present session of the Legislature; and to provide for the expenses of holding said election.
Committee on Constitution and Constitutional Revision and Amendments.

The above bill was read one time at length as required by the Constitution.

By Mr. Sherrer:

S. 169. To make appropriations for the fiscal years ending September 30, 1944, and September 30, 1945, to the sixty-seven counties of the state to be divided equally among each of said counties to be used by them exclusively for the purposes of public health, old age assistance, and for the other purposes of the county departments of public welfare, out of the surplus of the proceeds of the state income tax after provision has been made for the payment of the next two maturing installments of principal and interest on the warrant refunding bonds of the State of Alabama issued, or to be issued, pursuant to authority contained in Act No. 50 of the Legislature of Alabama passed at the regular session, 1935, and approved February 8, 1935.

Committee on Public Welfare and Correctional Institutions.

By Mr. Lawson:

S. 170. To amend Title 39, Section 13 of the Code of Alabama of 1940, a part of the Negotiable Instruments Law, so as to broaden the scope of when an instrument is payable to bearer.

Committee on Banking.

By Mr. Lawson:

S. 171. To regulate bank deposits in two names, and to permit payment thereof, and any interest and dividends thereon, to either party whether the other be living or dead; and to define right of survivor therein.

Committee on Banking.

By Mr. Bentley:

S. 172. To repeal an act entitled, "An Act to abolish the office of County Solicitor of Coosa County, Alabama, and to create in lieu thereof the office of County Attorney; to define the qualifications and duties of County Attorney of Coosa County, Alabama; to provide for his election or appointment; to provide for the salary of the County Attorney and the manner of paying the same; to prescribe his term of office and for his removal from office and for the filling of the vacancy in said office," Approved October 27th, 1932.

Committee on Local Legislation.

With notice and proof thereto attached and heerwith exhibited as follows:

NOTICE OF PROPOSED LEGISLATION FOR COOSA COUNTY

Notice is hereby given that at the next regular session of the Legislature of Alabama a bill will be introduced for passage, which in substance, will be substantially as follows:

AN ACT

To repeal an act entitled, "An act to abolish the office of County Solicitor of Coosa County, Alabama, and to create in lieu thereof the office of County Attorney; to define the qualifications and duties of County Attorney of Coosa County, Alabama; to provide for his election or appointment; to provide for the salary of the County Attorney and the manner of paying the same; to prescribe his term of office and for his removal from office and for the filling of the vacancy in said office," Approved October 27th, 1932.

Be it Enacted by the Legislature of Alabama:

Section 1. That, that certain act entitled, "An Act to abolish the office of County Solicitor for Coosa County, Alabama, and to create in lieu thereof the office of County Attorney; to define the qualifications and duties of County Attorney of Coosa County, Alabama; to provide for his election or appointment; to provide for the salary of the County Attorney and the manner of paying the same; to prescribe his term of office and for his removal from office and for the filling of the vacancy in said office," Approved October 27th, 1932, be and the same is hereby repealed.

Section 2. That this Act shall take effect immediately upon its passage and approval by the Governor.

CHAS. S. BENTLEY,
State Senator from the 34th Senatorial District.
Goodwater, Alabama

4t-4:29

STATE OF ALABAMA
TALLAPOOSA COUNTY

Before me, Roy C. Oliver, Judge of Probate in and for said County, personally appeared Thos. S. Bugg, the publisher of The Enterprise-Chronicle, a newspaper published at Goodwater, Coosa County, Alabama, and who being duly sworn deposes and says that the foregoing notice hereto attached has been regularly published once a week for four consecutive weeks in said newspaper on dates of issue as follows: April 8, April 15, April 22, April 29, 1943.

THOS. S. BUGG

Sworn to and subscribed before me this the 30 day of April, 1943.

ROY C. OLIVER
Judge of Probate

(Seal)

By Mr. Espy:

S. 173. To protect persons acting in good faith under or in reliance upon written power of attorney executed and acknowledged by person in the Armed Forces or Military Service of the United States; or by person who departs from the United States by per-

mission or direction of any Department or Official of the United States in connection with work relating to the prosecution of the War.

Committee on Banking.

By Mr. Espy:

S. 174. Concerning, and defining, and limiting liability for participation in breaches of fiduciary obligations, and to make uniform the law with reference thereto.

Committee on Banking.

By Mr. Toomer:

S. 175. To regulate bank deposits made by any person in trust for another, and to permit payment thereof to person for whom deposit was made, whether adult or minor, upon death of trustee, when no other or further notice of existence and terms of legal and valid trust shall have been in writing to and received by bank.

Committee on Banking.

By Mr. Toomer:

S. 176. Concerning statements of account between bank or trust company and depositor, and fixing a limit of time for questioning the correctness thereof.

Committee on Banking.

By Mr. Toomer:

S. 177. To regulate and authorize time and method for presentment, acceptance, dishonor, notice of dishonor and protest of negotiable instruments and checks; and to permit banks in posesssion or custody of such instruments or checks to handle according to current bank custom; and to permit banks at or by which they are payable to retain same until close of business day next following receipt without constituting acceptance; and to prescribe a method of dishonor of such instruments and checks; and to permit dishonor, protest and return of such instrument sand checks on business day next after their receipt.

Committee on Banking.

By Mr. Simpson:

S. 178. To provide a maximum limit for the amounts of license taxes that may be charged by municipalities against persons, firms, or corporations engaged in the businss of operating theaters or motion picture shows.

Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:
The House has originated and passed the following bill:

By Mr. Fite:
H. 82. To amend Equity Rule 56 as it appears in the 1940 Code of Alabama.

And sends same herewith to the Senate for its consideration.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bill set out in the foregoing Message from the House was read one time and referred to appropriate standing committee as follows:

H. 82—To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:
The House has originated and passed the following bills:

By Mr. Johnston of Mobile:
H. 99. To amend Section 84, Title 45, 1940 Code of Alabama.

Also:
By Mr. Johnston of Mobile:
H. 101. To amend Section 99, Title 21, Code 1940.

Also:
By Mr. Johnston of Mobile:
H. 102. To repeal Section 202 of Title 39, Code 1940.

Also:
By Mr. Johnston of Mobile, Mr. Sullivan, and Mr. Stone.
H. 104. To amend section 55 of Title 62 of the Code of Alabama of 1940.

Also:
By Mr. Cole, and Mr. Gullatt:
H. 119. To fix the time of holding the Circuit Court of Russell County, Alabama.

Also:
By Mr. Smyer:
H. 62. To create a State Planning Board and to provide for the appointment, removal, term, and compenstaion of the members

thereof; to fix the powers, authority, and duties of the board; to provide for the appointment of a director of the board and for the selection of employees; and to make an appropriation for the maintenance and operation of the board.

Also:
By Mr. Smyer:
H. 63. To repeal Section 368 to 373 inclusive of Article 5, Chapter 10 of Title 55 of the Code of Alabama of 1940.

Also:
By Mr. Sessions:
H. 52. To amend Title 2, Section 568, of the Code of Alabama of 1940.

And sends same herewith without engrossment to the Senate.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bills set out in the foregoing Message from the House were severally read one time and referred to appropriate standing committees as follows:

House bills 99, 101, 102, 104, 119—To the Committee on Judiciary.

House bills 62, 63, 52—To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment.

By Mr. Cole and Mr. Gullatt:

H. 123. TO REPEAL AN ACT ENTITLED "AN ACT to establish an additional or branch court house at Phenix City, in Russell County, Alabama; to divide the county into Northern and Southern division for such circuit court and to fix the boundary line between the two; To provide for the manner and form of the process for causes to be heard in the different divisions; to require certain officers of the county to keep an office at such branch court house; to fix the duties and compensation for such officers; to provide for grand and petit juries; to fix the jurisdiction and venue of each division of both civil and criminal cases and to provide for the removal of such cases from one division to the other; to provide for the method of appeal from inferior courts to the

respective divisions of the Circuit Court; to fix requirements as to the confinement of prisoners in the county jail; to provide for the jury and non-jury terms of circuit court in said divisions; to fix the method of determining said terms; To provide for regular and special meetings of the Board of Revenue of said County in each division; to declare and fix the duties of the Judge of Probate with reference to said branch office and the two divisions; to provide for the penalty for failure to comply with his duty and to fix compensation therefor; to provide for the holding of county court in each division and the jurisdiction of cases as to the said divisions; to provide for the appointment of a deputy clerk and fix his compensation; to require Phenix City, in Russell County, Alabama, to furnish quarters for the said county officers, safekeeping of the records thereof and for the furnishing of said offices with furniture, fixtures, equipment, etc; To provide for the furnishing of books and stationery by the County; to fix the method and time by which said Act shall be and be declared to be operate and effective, and the time within which the first term of the circuit court shall be held in said Northern division; to fix the duties and provide the compensation of the tax collector and tax assessor with reference to said branch or additional court house and division." Approved August 11, 1927.

With notice and proof thereto attached and herewith exihibited as follows:

LEGAL NOTICE

STATE OF ALABAMA,
Russell County.

Notice is hereby given of the intention to introduce and pass a local bill for Russell County, Alabama, at the coming session of the Legislature of Alabama, to be held, beginning in 1943, in its next regular session substantially as follows:

AN ACT TO REPEAL AN ACT ENTITLED

"AN ACT to establish an additional or branch court house at Phenix City, in Russell County, Alabama; to divide the county into Northern and Southern divisions for such circuit court and to fix the boundary line between the two: To provide for the manner and form of the process for causes to be heard in the different divisions; to require certain officers of the county to keep an office at such branch court house; to fix the duties and compensation for such officers; to provide for grand and petit juries; to fix the jurisdiction and venue of each division of both civil and criminal cases, and to provide for the removal of such cases from one division to the other; to provide the method of appeal from inferior courts to the respective divisions of the Circuit Court; to fix requirements as to the confinement of prisoners in the County jail; to provide for the jury and non-jury terms of circuit court in said divisions; to fix the method of determining said terms; To provide for regu-

lar and special meetings of the Board of Revenue of said County in each division; to declare and fix the duties of the Judge of Probate with reference to said branch office and the two divisions; to provide for the penalty for failure to comply with his duty and to fix compensation therefor; to provide for the holding of county court in each division and the jurisdiction of cases as to the said divisions; to provide for the appointment of a deputy clerk and fix his compensation; To require Phenix City, in Russell County, Alabama, to furnish quarters for the said county officers, safe-keeping of the records thereof; and for the furnishing of said offices with furniture, fixtures, equipment, etc. To provide for the furnishing of books and stationery by the County; to fix the method and time by which said Act shall be and be declared to be operate and effective, and the time within which the first term of the circuit court shall be held in said Northern division; to fix the duties and provide the compensation of the tax collector and tax assessor with reference to said branch or additional court house and division." Approved August 11, 1927.

Be It Enacted By The Legislature of Alabama:

Section 1. That, that certain act entitled:

"AN ACT to establish an additional or branch court house at Phenix City, in Russell County, Alabama; to divide the county into Northern and Southern divisions for such circuit court and to fix the boundary line between the two: To provide for the manner and form of the process for causes to be heard in the different divisions; to require certain officers of the county to keep an office at such branch court house; to fix the duties and compensation for such officers; to provide for grand and petit juries; to fix the jurisdiction and venue of each division of both civil and criminal cases, and to provide for the removal of such cases from one division to the other; to provide the method of appeal from inferior courts to the respective divisions of the Circuit Court; to fix requirements as to the confinement of prisoners in the county jail; to provide for the jury and non-jury terms of circuit court in said divisions; to fix the method of determining said terms: To provide for regular and special meetings of the Board of Revenue of said County in each division; to declare and fix the duties of the Judge of Probate with reference to said branch office and the two divisions; to provide for the penalty for failure to comply with his duty and to fix compensation therefor; to provide for the holding of county court in each division and the jurisdiction of cases as to the said divisions; to provide for the appointment of a deputy clerk and fix his compensation: To require Phenix City, in Russell County, Alabama, to furnish quarters for the said county officers, safekeeping of the records thereof, and for the furnishing of said offices with furniture, fixtures, equipment, etc. To provide for the furnishing of books and stationery by the county; to fix the method and time by which said Act shall be and be declared to be operate and effective, and the time within which the first term of the circuit court shall be held in said Northern division; to rix the duties and provide the compensation of the tax collector and tax assessor with reference to said branch or additional court house and division." " Approved August 11, 1927, be and the same is hereby repealed.

Section 2. That this Act shall take effect immediately upon its passage and approval by the Governor.

State of Alabama
Russell County

Before me, a Notary Public, in and for said County in said State, personally appeared Isabel A. Moses, who being known to me, after first having been duly sworn, deposes and says:

That she is the Publisher of the Phenix-Girard Journal, a newspaper published in Phenix City, Russell County, Alabama, and having general circulation in said County and that the attached notice of intention to apply for the passage of a local law affecting Russell County, Alabama, was published in said newspaper once a week for Four consecutive weeks in its issues of March 26, April 2, April 9 and April 16, 1943; that said newspaper was printed in part and published in Russell County, Alabama, and is printed in the English language and has a general circulation in said County of Russell in which it is published and said newspaper had been mailed under the second class mailing privileges of the United States Post Office in Phenix City, Alabama, where it is published for fifty-two weeks prior to the first publication of said notice in said newspaper. ISABEL A. MOSES.

Sworn to and subscribed before me this the 3rd day of May, 1943.

MRS. GLADYS WHEELIS

(Seal) Notary Public, Russell County, Alabama.

Also:

By Mr. Cole and Mr. Gullatt:

H. 122. To require the County Commission of Russell County, Alabama, to remove all records of the Circuit Clerk, the Sheriff, Tax Assessor, Tax Collector and Judge of Probate from the Branch Courthouse at Seale, Alabama to the Courthouse at Phenix City, Alabama, and to provide for all functions of County Government to be held at Phenix City, Russell County, Alabama.

With notice and proof hereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA,
Russell County.

Notice is hereby given that a Local Bill will be introduced in the coming session of the Legislature of Alabama, to be held in its next regular session, to require the County Commission of Russell County, Alabama, to remove all records of all County Officers from the Branch Courthouse at Seale, Alabama, to the Courthouse at Phenix City, Russell County, Alabama, and, to provide for the performance of the duties by all County Officers, including all Courts to be done and all offices to be held at Phenix City, Russell County, Alabama.

AN ACT

To require the County Commission of Russell County, Alabama, to remove all records of the Circuit Clerk, the Sheriff, Tax Assessor, Tax Collector and Judge of Probate from the Branch Courthouse at Seale, Alabama, to the Courthouse at Phenix City, Alabama, and to provide for all functions of County Government to be held.

Be it enacted by the Legislature of at Phenix City, Alabama, Russell County, Alabama.

Section 1. That the County Commission of Russell County, Alabama, shall on, and after, the passage and approval of this act remove all the records

of the Circuit Clerk and Register, all the records of the Tax Assessor and Tax Collector and all the records of the Sheriff and all the records of the Judge of Probate from the Branch Courthouse at Seale, Alabama, to the Courthouse at Phenix City, Russell County, Alabama.

Section 2. All acts relating to the performance of County Government for Russell County, Alabama, by the County Officers of said Russell County, including the Circuit Court, shall be done, performed, and held at Phenix City, Russell County, Alabama.

Section 3. Should any clause, Section or Provision of this act be declared unconstitutional, the same shall not affect the remaining clauses, Sections or Provisions thereof.

Section 4. That all laws and parts of laws, in conflict with the provisions of this act be and the same are hereby expressly repealed.

Section 5. This act shall go into effect immediately upon its passage and approval by the Governor.

State of Alabama
Russell County

Before me, a Notary Public, in and for said County in said State, personally appeared Isabel A. Moses, who being known to me, after first having been duly sworn, deposes and says:

That she is the Publisher of the Phenix-Girard Journal, a newspaper published in Phenix City, Russell County, Alabama, and having general circulation in said County and that the attached notice of intention to apply for the passage of a local law affecting Russell County, Alabama, was published in said newspaper once a week for Four consecutive weeks in its issues of March 26, April 2, April 9 and April 16, 1943; that said newspaper was printed in part and published in Russell County, Alabama, and is printed in the English language and has a general circulation in said County of Russell in which it is published and said newspaper had been mailed under the second class mailing privileges of the United States Post Office in Phenix City, Alabama, where it is published for fifty-two weeks prior to the first publication of said notice in said newspaper.

ISABEL A. MOSES

Sworn to and subscribed before me this the 3rd day of May, 1943.

MRS. GLADYS WHEELIS
(Seal) Notary Public, Russell County, Alabama.

Also:

By Mr. Cole and Mr. Gullatt:

H. 120. To authorize the Tax Assessor and Tax Collector of Russell County, Alabama, to each appoint a deputy tax assessor and Tax Collector, and to fix the salary of such deputy tax collector of Russell County, Alabama and deputy tax assessor of Russell County, Alabama and to provide the method of appointment of such deputy tax assessor and deputy tax collector and to provide the method of payment of their salary and to require a bond of such deputy tax assessor and deputy collector.

With notice and proof thereto attached and herewith exihibited as follows:

LEGAL NOTICE

State of Alabama
Russell County.

Notice is hereby given that a Local Bill will be introduced in the coming session of Legislature of Alabama in its regular session to be held in 1943, to authorize the Tax Assessor of Russell County, Alabama, and the Tax Collector of Russell County, Alabama, to each appoint a deputy assessor and a deputy collector, and to provide the method of appointment and to fix such salary of said deputy Tax Collector and Deputy Tax Assessor of Russell County, Alabama.

AN ACT

Entitled an act to authorize the Tax Assessor and Tax Collector of Russell County, Alabama, to each appoint a deputy tax assessor and Tax collector; and to fix the salary of such deputy tax collector of Russell County, Alabama and deputy tax assessor of Russell County, Alabama and to provide the method of appointment of such deputy tax assessor and deputy tax collector and to provide the method of payment of their salary and to require a bond of such deputy tax assessor and deputy collector.

Be it Enacted by the Legislature of Alabama:

Section 1. That the Tax Assessor and Tax Collector of Russell County Alabama, be, and they are hereby authorized to appoint a deputy tax assessor and a deputy tax collector.

Section 2. That the salary of such deputy tax assessor and deputy tax collector shall be fixed by the County Commission of Russell County, Alabama and it shall not be less than $600.00 and not more than $1,080.00 per annuam which said salary shall be paid by the said County Commission in twelve monthly installments.

Section 3. Such deputy tax assessor and deputy tax collector shall hold office at the pleasure of such tax assessor and tax collector and each shall enter into bond in the sum of $1,000.00 in the same manner the tax assessor and tax collector are required to give bond and each shall be subject to the same restrictions as the tax assessor and tax collector are subject to and each shall perform the duties of Tax Assessor and Tax Collector.

Section 4. Should any section, clause or provision of this act be declared unconstitutional the same shall not affect the remaining sections, clauses or provisions of this act.

Section 5. All laws and parts of laws, General or Local in conflict with this act be and the same is hereby repealed.

Section 6. This act shall take effect immediately upon its passage and approval by the Governor.

State of Alabama
Russell County

Before me, the undersigned authority, a Notary Public in and for said County, in said State, personally appeared Isabel A. Moses, who being known to me, after first having been duly sworn, deposes and says:

That she is the Publisher of the Phenix-Girard Journal, a newspaper published in Phenix City, Russell County, Alabama, and having general circulation in said County and that the attached notice of the intention to apply for the passage of a local law affecting said Russell County was published in said newspaper once a week for four consecutive weeks in its issues of April

9, April 16, April 23, and April 30, 1943; that said newspaper was printed in part and published in Russell County, Alabama, and is printed in the English language and has a general circulation in said County of Russell in which it is published and said newspaper had been mailed under the second class mailing privileges of the United States Post Office in Phenix City, Alabama, where it is published, for fifty-two weeks prior to the first publication of said notice in said newspaper. ISABEL A. MOSES.

Sworn to and subscribed before me this the 3rd day of May, 1943.

MRS. GLADYS WHEELIS
(Seal) Notary Public, Russell County, Alabama.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bills set out in the foregoing Message from the House were severally read one time and referred to appropriate Standing Committee as follows:

House bills 123, 122, 120—To the Committee on Local Legislation.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Montgomery, Alabama

Gentlemen:

I have made the following appointments to the Alcoholic Beverage Control Board, subject to your confirmation:

Dr. E. C. Ray, Ensley—Chairman, for the term expiring February 2, 1947.

John E. Toomey, Mobile—Member, succeeding William Lawrence, resigned, for the term expiring February 2, 1945.

A. C. Lee, Monroeville—Member, for the term expiring February 2, 1949.

Respectfully,
CHAUNCEY SPARKS,
May 11, 1943. Governor.

GOVERNOR'S MESSAGE

On motion of Mr. Kilborn, the Senate confirmed the appointments of His Excellency, the Governor, to the Alcoholic Beverage Control Board.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:	Dodson	Hornsby	St. John (Lawrence)
Benson	Espy	Jones	Shaver
Bentley	Garrett	Kilborn	Sherrer
Bradford	Goodwin	Lawson	Simpson
Carlton	Henderson	Madison	Taylor
Cater	High	Newton	Toomer
Cobb	Hill	Pinson	Walton

—27

Nays: —0

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Montgomery, Alabama

Gentlemen:

I have approved the following named persons as members of the State Board of Agriculture and Industries, subject to your confirmation:

FARMER MEMBERS

J. L. Morrison, Greensboro—For the term expiring in January, 1947.
Henry B. Chase, Huntsville—For the term expiring in January, 1947.
John A. Lusk, Gadsden—For the term expiring in January, 1947.
Jim Johnson, Jr., Geneva—For the term expiring in January, 1947.

INDUSTRY MEMBERS

LeRoy Holt, Birmingham—For the term expiring in January, 1947.
R. W. Jennings, Lanett—For the term expiring in January, 1947.
W. M. McGowin, Chapman—For the term expiring in January, 1947.

Respectfully,
CHAUNCEY SPARKS,

May 11, 1943.

GOVERNOR'S MESSAGE

The Senate confirmed the appointments by His Excellency, the Governor, of members of the State Board of Ariculture and Industries.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:	Garrett	Kilborn	St. John (Lawrence)	
Benson	Goodwin	Lawson	Shaver	
Bentley	Henderson	Madison	Sherrer	
Carlton	High	McCary	Taylor	
Cobb	Hill	Newton	Toomer	
Dodson	Hornsby	Pinson	Walton	
Espy	Jones	St. John (Cullman)		—26

Nays: —0

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Montgomery, Alabama

Gentlemen:

I have appointed the following as members of the Board of Trustees of Alabama Polytechnic Institute, located in Auburn, Alabama, subject to your confirmation:

From the 4th District—Walker Reynolds, Anniston, Alabama, for the term expiring in January, 1955.

From the 5th District—Judge W. B. Bowling, LaFayette, Alabama, for the term expiring in January, 1955.

From the 7th District—Paul S. Haley, Jasper, Alabama, from the term expiring in January, 1955.

Respectfully,
CHAUNCEY SPARKS,
Governor.

May 11 1943.

GOVERNOR'S MESSAGE

The Senate confirmed the appointments by His Excellency, the Governor, of the Board of Trustees of Alabama Polytechnic Institute.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:	Garrett	Kilborn	Shaver	
Bentley	Goodwin	Lawson	Sherrer	
Bradford	Henderson	Madison	Simpson	
Carlton	High	McCary	Taylor	
Cater	Hill	Newton	Toomer	
Cobb	Hornsby	St. John (Cullman)	Walton	
Dodson	Jones	St. John (Lawrence)		—28

Nays: —0

RESOLUTION

Mr. Kilborn offered the following resolution, to-wit:

S. J. R. 8. BE IS RESOLVED BY The Senate of Alabama, the House of Representatives concurring, that the Supreme Court of Alabama is hereby requested to render to the Senate and House an advisory opinion on the questions herewith addressed to the Supreme Court by them as follows:

To the Supreme Court of Alabama,
Montgomery, Alabama.
Gentlemen:

There have been introduced into both Houses of the Legislature of Alabama certain bills seeking the amendment of different sections of Title 62 of the Code of Alabama of 1940. Each of the sections sought to be amended is applicable only to one county or one municipality designated by name, or to several counties or municipalities designated by name. In addition there are pending several measures for the amendment of certain sections of the Code outside Title 62 which are applicable to but one judicial circuit designated by number. None of the bills are with reference

to the time of holding court and none violate the provisions of Section 104 of the Constitution.

Some of the bills seeking to amend sections of Title 62 of the Code or to amend a section dealing with a designated judicial circuit are accompanied with notice and proof to conform to Section 106 of the Constitution. Others are not accompanied with notice and proof and are titled generally "A Bill to be Entitled An Act To Amend Section..... of Title....., Code of Alabama of 1940."

The bills in question would be local laws within the definition of Section 110 of the Constitution, and for valid enactment would seem to require the notice and proof required under Section 106 of the Constitution but for the fact that they seek to amend a section of the General Code of Alabama of 1940.

The Senate and House of Representatives of Alabama request of the Supreme Court advice on the following questions:

ONE: Does passage of a bill to amend a section of Title 62 of the Code of Alabama of 1940 applicable to but one or more designated counties or municipalities violate the requirements of Section 106 of the Constitution of Alabama where the bill is introduced and passed without notice and proof as required?

TWO: Does passage of a bill to amend a section of the Code applicable to but one Judicial Circuit which is designated by number in the Code Section (the amendment not being with reference to fixing the time for holding Court) violate the requirements of Section 106 of the Constitution of Alabama where the bill is introduced and passed without notice and proof?

Which was read and referred to the Standing Committee on Rules.

GOVERNOR'S MESSAGE

The Senate confirmed the appointments by His Excellency, the Governor, of members of Alabama State Banking Board.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:	Garrett	Kilborn	Shaver
Bentley	Goodwin	Lawson	Sherrer
Bradford	Henderson	Madison	Simpson
Carlton	High	McCary	Taylor
Cater	Hill	Newton	Toomer
Cobb	Hornsby	St. John (Cullman)	Walton
Dodson	Jones	St. John (Lawrence)	

Nays: —0

CALENDAR BILLS REMOVED FROM CALENDAR AND RE-REFERRED TO COMMITTEE

The President of the Senate ordered the bill:
S. 81. To amend Section 87, Title 36, Code of 1940.

Removed from the calendar and re-referred to the Standing Committee on Judiciary.

The President of the Senate ordered the bill:

S. 33. To amend Section 852 of Title 51 of the Code of Alabama 1940 pertaining to the taxation of disabled veterans from the payment of certain licenses.

Removed from the calendar and re-referred to the Standing Committee on Judiciary.

BILLS ON THIRD READING

The bill:
S. 78. To amend Section 162, Title 39, Code 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:	Goodwin	Kilborn	St. John (Cullman)
Benson	Henderson	Lawson	Shaver
Bentley	High	Madison	Simpson
Carlton	Hill	McCary	Taylor
Cater	Hornsby	Newton	Toomer
Dodson	Jones	Pinson	Walton
Garrett			—24

Nays: —0

The bill:
S. 79. To amend Section 149, Title 39, Code 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House withotu engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	Henderson	Jones
Benson	Dodson	High	Kilborn
Bentley	Garrett	Hill	Lawson
Carlton	Goodwin	Hornsby	Madison

McCary	Pinson	St. John (Lawrence)	Taylor
Newton	St. John (Cullman)	Simpson	Toomer

—23

Nays: —0

The bill:
S. 82. To amend Section 142, Title 39, Code 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:	Garrett	Kilborn	St. John (Lawrence)
Bentley	Goodwin	Lawson	Shaver
Bradford	Henderson	Madison	Simpson
Carlton	High	Newton	Taylor
Cater	Hill	Pinson	Toomer
Cobb	Hornsby	St. John (Cullman)	Walton
Dodson	Jones		

—25

Nays: —0

The bill:
S. 83. To amend Section 140, Title 23, Code 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:	Garrett	Jones	St. John (Cullman)
Bentley	Goodwin	Kilborn	St. John (Lawrence)
Bradford	Henderson	Lawson	Shaver
Carlton	High	Madison	Simpson
Cater	Hill	Newton	Toomer
Cobb	Hornsby	Pinson	Walton
Dodson			

—24

Nays: —0

The bill:
S. 6. To amend Section 29, Title 39, Code 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Dodson	Jones	St. John (Cullman)
Bentley	Garrett	Kilborn	St. John (Lawrence)
Bradford	Goodwin	Lawson	Shaver
Carlton	Henderson	Madison	Simpson
Cater	High	Newton	Toomer
Cobb	Hornsby	Pinson	Walton

—23

Nays: —0

The bill:

S. 5. To amend Section 141, Title 29, Code 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:	Dodson	Jones	St. John (Lawrence)
Benson	Garrett	Kilborn	Shaver
Bentley	Goodwin	Lawson	Simpson
Bradford	Henderson	Madison	Taylor
Carlton	High	McCary	Toomer
Cater	Hill	Newton	Walton
Cobb	Hornsby	St. John (Cullman)	

—26

Nays: —0

The bill:

S. 8. So amend Section 141, Title 39, Code 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:	Dodson	Jones	St. John (Lawrence)
Benson	Garrett	Kilborn	Shaver
Bentley	Goodwin	Lawson	Simpson
Bradford	Henderson	Madison	Taylor
Carlton	High	McCary	Toomer
Cater	Hill	Pinson	Walton
Cobb	Hornsby	St. John (Cullman)	

—26

Nays: —0

The bill:

S. 7. To amend Section 238, Title 51, Code 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:	Cobb	Hornsby	Shaver	
Benson	Dodson	Jones	Simpson	
Bentley	Garrett	Kilborn	Taylor	
Bradford	Goodwin	Lawson	Toomer	
Carlton	Henderson	Newton	Walton	
Cater	Hill	St. John (Cullman)		—22

Nays: —0

The bill:

S. 29. To ratify appropriations heretofore made by the several counties of the State of Alabama for the purpose of defraying expenses of Civilian Defense.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:	Garrett	Kilborn	St. John (Cullman)	
Benson	Goodwin	Lawson	Shaver	
Bentley	Henderson	Madison	Simpson	
Bradford	High	McCary	Taylor	
Cater	Hill	Newton	Toomer	
Cobb	Hornsby	Pinson	Walton	
Dodson	Jones			—25

Nays: —0

The bill:

S. 30. To authorize the State of Alabama and any department or agency thereof and any county, municipality, town or other political subdivision of this State, in order to facilitate co-operation with the United States of America in carrying on war and defense activities, to accept from the United States of America, or any department, agency or independent establishment thereof, grants of funds and grants and loans of equipment, supplies, material and other property; to hold, use, expend, deal with, employ, distribute and dispose of such funds, equipment, supplies, material and other property; and to engage in such activities, to enter into such contracts, and to do such other acts and things as may be necessary or convenient to carry out the powers granted by this Act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:	Dodson	Hornsby	St. John (Cullman)
Benson	Garrett	Kilborn	St. John (Lawrence)
Bentley	Goodwin	Lawson	Simpson
Bradford	Henderson	Madison	Taylor
Carlton	High	McCary	Toomer
Cater	Hill	Pinson	Walton
Cobb			—24

Nays: —0

The bill:

S. 34. To amend Section 47 of Title 60 of the Code of Alabama of 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:	Dodson	Kilborn	St. John (Lawrence)
Benson	Garrett	Lawson	Shaver
Bentley	Goodwin	Madison	Simpson
Bradford	Henderson	McCary	Taylor
Carlton	High	Newton	Toomer
Cater	Hornsby	St. John (Cullman)	Walton
Cobb			—24

Nays: —0

CALENDAR BILLS POSTPONED

On motion of Mr. Kilborn, further consideration of the bill:

S. 88. To amend Section 613 of Title 51 of the 1940 Code of Alabama.

Was postponed until the next day.

On motion of Mr. Carlton, further consideration of the bill:

S. 59. To propose an amendment to the Constitution of Alabama making public education an essential function of State Government, and to order an election for the qualified voters of the State of Alabama upon such proposed amendment to be held at the next general election held after the final adjournment of the present session of the Legislature at which this amendment is proposed and to provide for the manner of holding said election.

Was postponed until the next day, and on motion of Mr. Carlton, 500 copies of the bill S. 59, were ordered printed for the use of the Senate.

On motion of Mr. Walton, further consideration of the bill:

S. 40. To provide for the examination of persons suspected of having a veneral disease or having been exposed to a venereal disease.

Was postponed until the tenth day, and on motion of Mr. Walton 150 copies of the bill S. 40, were ordered printed for the use of the Senate.

On motion of Mr. St. John (Cullman) further consideration of the bill:

S. 18. To provide for a public corporation for the purposes of constructing or causing to be constructed public roads and bridges in this State and related purposes; to describe its powers and duties, and to provide for the raising of necessary funds for such purposes, and to provide for the payment of the cost of construction of such roads and bridges, and to authorize such corporation to borrow money and match Federal funds for public roads, bridges and highways constructed and to issue bonds, warrants, assignments, transfers, or securities, and to aid in the several counties of the State in negotiating or otherwise financing interest bearing warrants of such counties, secured by pledge of the proceeds of gasoline tax appropriations to the counties by the State, and to contract with counties, the State Highway Department of Alabama, or other agencies performing any of the funtcions thereof by whatever name it may be known, the Federal Emergency Administration of Public Works, and any other branch or agency of the Federal Government or other authorities, and persons, firms or corporations; to repeal Article 3, Chapter 2, Title 23 of the Code of Alabama 1940, Section 112 to 124, inclusive.

Was postponed until the 11th day, and 250 copies of the bill, S. 18, ordered printed for the use of the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

By Mr. Carlton:

S. 55. To amend Sections 18, 19 and 20 of Title 32 of the Code of Alabama of 1940.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Sullivan.

H. 85. To create and establish a State Defense Council; to provide for its organization and to define its powers and duties; to create the office of State Director of Civilian Defense; to fix his compensation and to define his powers and duties; to provide for the creation and establishment of local defense councils; to provide for their organization and to define their powers and duties; to provide for the appointment of local directors of civilian defense and to define their powers and duties and provide for their method of compensation; to authorize and empower reciprocal aid agreements between the political sub-divisions of the State relating to services, supplies, and facilities in aid of civilian defense; to provide for the utilization of existing services and facilities of the State and political sub-divisions of the State in aid of civilian defense; to provide for the coordination of the State and local defense councils with the Federal government and the armed forces of the United States; to provide the method whereby the rules and regulations made pursuant to this act become effective; to provide for the immunity from liability of the State, its representatives, and employees, and any political sub-divisions, its representatives and employees, and any civilian defense worker complying with the provisions of this act; to provide for appropriations to carry out the provisions of this act; to provide penalties for the violation of this act and of the rules adopted pursuant thereto; to repeal all laws and parts of laws in conflict with the provisions of this act; and to provide when this act shall take effect and when it shall terminate.

And sends same herewith without engrossment to the Senate.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bill set out in the foregoing Message from the House was read one time and referred to appropriate standing committee as follows:

H. 85—To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Smyer:

H.J.R. 10. BE IT RESOLVED by the House of Representatives, the Senate concurring, that the Supreme Court of Alabama is hereby requested to render to the Senate and House an advisory opinion on the questions herewith addressed to the Supreme Court by them as follows:

To the Supreme Court of Alabama,
Montgomery, Alabama.

Gentlemen:

There have been introduced into both Houses of the Legislature of Alabama certain bills seeking the amendment of different sections of Title 62 of the Code of Alabama of 1940. Each of the sections sought to be amended is applicable only to one county or one municipality designated by name, or to several counties or municipalities designated by name. In addition there are pending several measures for the amendment of certain sections of the Code outside Title 62 which are applicable to but one judicial circuit designated by number. None of the bills are with reference to the time of holding court and none violate the provisions of Section 104 of the Constitution.

Some of the bills seeking to amend sections of Title 62 of the Code or to amend a section dealing with a designated judicial circuit are accompanied with notice and proof to conform to Section 106 of the Constitution. Others are not accompanied with notice and proof and are titled generally "A Bill to be Entitled An Act To Amend Section.....of Title....., Code of Alabama of 1940."

The bills in question would be local laws within the definition of Section 110 of the Constitution, and for valid enactment would seem to require the notice and proof required under Section 106 of the Constitution but for the fact that they seek to amend a section of the general Code of Alabama of 1940.

The Senate and House of Representatives of Alabama request of the Supreme Court advice on the following questions:

ONE: Does passage of a bill to amend a section of Title 62 of the Code of Alabama of 1940 applicable to but one or more designated counties or municipalities violate the requirements of Section 106 of the Constitution of Alabama where the bill is introduced and passed without notice and proof as required?

TWO: Does passage of a bill to amend a section of the Code applicable to but one Judicial Circuit which is designated by num-

ber in the Code Section (the amendment not being with reference to fixing the time for holding Court) violate the requirements of Section 106 of the Constitution of Alabama where the bill is introduced and passed without notice and proof?

And sends same herewith to the Senate for its consideration.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The resolution, H. J. R. 10, set out in the foregoing Message from the House, was read and on motion of Mr. Kilborn, was referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Fite:

H. 75. To provide for placing names on ballots municipal elections held pursuant to Section 27 of Title 37 of the Alabama Code of 1940.

Also:

By Mr. Locke:

H. 114. To regulate the right of a person convicted of a felony before or after the judgment of conviction has been affirmed on appeal to inquire into matters occuring prior to his conviction; to prescribe a limitation on the right, and the manner of its exercise, and to provide that it be based upon a denial of some constitutional right or other jurisdictional cause not shown by the record or proceedings of conviction and unknown to the petitioner until after he has been convicted.

And sends same herewith without engrossment to the Senate.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bills set out in the foregoing Message from the House were severally read one time and referred to appropriate standing committees as follows:

H. 75—So the Committee on Municipalities and Municipal Organizations.

H. 114—To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:
The House has passed the following Senate bills:

By Mr. Walton:
S. 15. To amend Sections 35, 36, and 41 of Title 49 of the 1940 Code of Alabama.

Also:
By Mr. Walton:
S. 17. To amend Section 53, 55, 56, 59, 60 and 61 of Title 49 of the 1940 Code of Alabama.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,
Clerk.

BILLS ON THIRD READING PRESUMED

The bill:
S. 46. To amend Section 110 of Title 22 of the 1940 Code of Alabama:

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 17; Nays, 6.

Yeas:

Messrs.:	Dodson	Hornsby	McCary
Benson	Garrett	Jones	Pinson
Bentley	Goodwin	Lawson	St. John (Lawrence)
Bradford	Henderson	Madison	Simpson
Cater	High		—17

Nays:

Messrs.:	Kilborn	Shaver	Walton
Carlton	St. John (Cullman)	Toomer	—6

The bill:
S. 84. To appropriate $97,900.00 annually for use by the Alabama Agricultural Experiment Station System of the Alabama Polytechnic Institute.

Was read a third time at length and passed, and ordered sent forthwith to the house without engrossment.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:	Dodson	Jones	St. John (Cullman)
Benson	Garrett	Lawson	St. John (Lawrence)
Bentley	Goodwin	Madison	Simpson
Bradford	Henderson	McCary	Taylor
Carlton	High	Newton	Toomer
Cater	Hornsby	Pinson	Walton
Cobb			—24

Nays: —0

The bill:

S. 114. For the relief of Harry Simon, of Montgomery, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:	Dodson	Jones	St. John (Lawrence)
Benson	Garrett	Kilborn	Shaver
Bentley	Goodwin	Lawson	Simpson
Bradford	Henderson	Madison	Taylor
Carlton	High	Newton	Toomer
Cater	Hill	Pinson	Walton
Cobb	Hornsby	St. John (Cullman)	—26

Nays: —0

The bill:

S. 56. To appropriate $75,000.00 annually for use by the Alabama Extension Service of the Alabama Polytechnic Institute.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Garrett	Jones	St. John (Cullman)
Bentley	Goodwin	Kilborn	St. John (Lawrence)
Carlton	Henderson	Lawson	Shaver
Cater	High	Madison	Simpson
Cobb	Hill	McCary	Toomer
Dodson	Hornsby	Newton	Walton
			—23

Nays: —0

The bill:

S. 57. To promote the agricultural interests of the State of Alabama by providing for the inspection, grading, standardization,

classification, refrigeration, dehydration (for both food and feed), canning, packing, processing, cold storage, and marketing of agritural products, including all staple food crops, fruits, vegetables, poultry, dairy products, fish, and kindred products; and for such purposes to create a public board, to be known as the Alabama State Markets Board, to provide for the acquisition, equipment, operation, and maintenance of a public market or markets; to define the duties, powers, and authority of said board; and to appropriate public funds for such purposes.

Was taken up.

The Standing Committee on Finance and Taxation offered the following amendment to the bill, to-wit:

To amend Section 1 of Senate Bill #57 by adding the following to the end of said Section.

The Commissioner of Agriculture shall be paid fifty dollars ($50.00) per month for his ex officio service on the above board.

With was adopted.

Yeas, 22; Nays, 1.

Yeas:

Messrs.:	Garrett	Jones	St. John (Lawrence)	
Bentley	Goodwin	Kilborn	Shaver	
Carlton	Henderson	Lawson	Simpson	
Cater	High	Madison	Toomer	
Cobb	Hill	Pinson	Walton	
Dodson	Hornsby	St. John (Cullman)		—22

Nays: Mr. McCarey —1

Mr. McCary moved that further consideration of the bill, as amended, be postponed until the 10th day, and that 200 copies be ordered printed for the use of the Senate.

And on motion of Mr. Garrett, the motion of Mr. McCary to postpone consideration until the 10th day and 200 copies ordered printed, was laid on the table.

Mr. Kilborn offered the following amendment to wit:

Amend Section 1 line 15 by striking the words and figures twenty-five ($25.00) dollars and substituting in lieu thereof the words and figures "ten ($10.00) dollars".

Mr. Garrett moved that said amendment be laid on the table, which motion was lost.

Yeas, 11; Nays, 13.

Yeas:

Messrs.:	Garrett	High	Simpson
Cobb	Goodwin	Pinson	Toomer
Dodson	Henderson	Shaver	Walton

—11

Nays:

Messrs.:	Hill	Lawson	St. John (Cullman)
Bentley	Hornsby	Madison	St. John (Lawrence)
Carlton	Jones	McCary	Taylor
Cater	Kilborn		

—13

And the amendment offered by Mr. Kilborn, was then adopted.

Yeas, 15; Nays, 9.

Yeas:

Messrs.:	Cobb	Jones	McCary
Bentley	Dodson	Kilborn	St. John (Cullman)
Carlton	Hill	Lawson	St. John (Lawrence)
Cater	Hornsby	Madison	Taylor

—15

Nays:

Messrs.:	Henderson	Shaver	Toomer
Garrett	High	Simpson	Walton
Goodwin	Pinson		

Nays: —9

On motion of Mr. St. John, of Lawrence, further consideration of the bill, S. 57, was pontponed until the 10th day, and 250 copies of the bill, and amendments, ordered printed for the use of the Senate.

Mr. McCary moved that the Senate do now adjourn, which motion was lost.

Yeas, 2; Nays, 25.

Yeas: Messrs. Bradford, McCary —2

Nays:

Messrs.:	Garrett	Kilborn	Shaver
Bentley	Goodwin	Lawson	Sherrer
Carlton	Henderson	Madison	Simpson
Cater	High	Pinson	Taylor
Cobb	Hill	St. John (Cullman)	Toomer
Dodson	Hornsby	St. John (Lawrence)	Walton
Espy	Jones		

—25

The bill:

H. 21. To amend Sections 20, 22, 26 and 30 of Title 49 of the 1940 Code of Alabama.

Was read a third time at length and passed.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:	Dodson	Jones	St. John (Cullman)
Bentley	Espy	Kilborn	St. John (Lawrence)
Black	Garrett	Lawson	Sherrer
Bradford	Goodwin	Madison	Simpson
Carlton	Henderson	McCary	Taylor
Cater	High	Newton	Toomer
Cobb	Hill	Pinson	Walton

—27

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Kirby:

H. 67. To provide for Powers of Attorney, relating to person in military service or to civilians who go out of the country or who are without the country.

Also:

By Mr. Ard:

H. 29. To Amend Section 47 of Title 60 of the Code of Alabama of 1940.

Also:

By Mr. Ard:

H. 28. To amend Section 852 of Title 51 of the Code of Alabama 1940 pertaining to the exemption of disabled veterans from the payment of certain licenses.

Also:

By Mr. Segrest:

H. 70. To provide for the removal from office of fiduciaries engaged in war Service and to provide for the appointment of their successors, and to provide for the removal from office of such successor fiduciaries and the reappointment of fiduciaries theretofore removed from office because of War Service, and to provide for notice and hearing of petitions for the above purposes and to provide for bonds to be given by fiduciaries so appointed and to de-

fine the term "War Service" and the term "fiduciary" as used herein.

Also:

By Mr. Segrest:

H. 69. To authorize Boards of Revenue and Courts of County Commissioners or like governing bodies in the several Counties of this State to invest any surplus funds.

And sends same herewith without engrossment to the Senate.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bills set out in the foregoing Message from the House were severally read one time an dreferred to appropriate standing committees as follows:

H. 67 and H. 29—To the Committee on Judiciary.

H. 28 and H. 70—To the Committee on Finance and Taxation.

H. 69—To the Committee on County and County Boundaries.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Fourth day and finds same correct and containing all original entries and references thereto required by the Constitution.

Jim Smith, Jr.,
Chairman.

COMMITTEE REPORT

On motion of Mr. Smith, the foregoing report was concurred in and the Journal of the Senate for the Fourth day approved by the Senate.

ADJOURNMENT

At 1:15 P. M., on motion of Mr. Madison, the Senate adjourned until tomorrow, May 12, 1943, at ten A. M.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:	Espy	Jones	St. John (Lawrence)
Bentley	Garrett	Kilborn	Shaver
Black	Goodwin	Lawson	Simpson
Bradford	Henderson	Madison	Taylor
Carlton	High	McCary	Toomer
Cater	Hill	Newton	Walton
Dodson	Hornsby	St. John (Cullman)	—26

Nays: —0

NINTH DAY

Wednesday, May 12, 1943.

The Senate met pursuant to adjournment, Lieutenant-Governor Ellis presiding.

PRAYER

The session was opened with prayer by Major Leonard Van Egmond, Salvation Army, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Dodson	Jones	St. John (Lawrence)
Benson	Espy	Kilborn	Shaver
Bentley	Garrett	Lawson	Sherrer
Black	Goodwin	Madison	Simpson
Bradford	Henderson	McCary	Smith
Carlton	High	Newton	Taylor
Cater	Hill	Pinson	Toomer
Cobb	Hornsby	St. John (Cullman)	Walton

—31

JOURNAL

On motion of Mr. Carlton, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

By Mr. Carlton:

S. 55. To amend Sections 18 and 19 and 20 of Title 32 of the Code of Alabama of 1940.

S. 15. To amend Section 35, 36, and 41 of Title 49 of the 1940 Code of Alabama.

S. 17. To amend Sections 53, 55, 56, 59, 60 and 61 of Title 49 of the 1940 Code of Alabama.

Sam High,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Toomer:

S. 179. To amend Section 480 of the Code of Alabama of 1940.

Committee on Education.

By Mr. Cater:

S. 180. To amend Section 106, Article 15, Chapter 2, Title 62, Code of Alabama 1940.

Committee on Privileges and Elections.

By Mr. Newton:

S. 181. To amend Section 1 of an act entitled "An Act to further regulate the employees in the service of the State of Alabama;

to provide for reemployment or restoration of status of such employees who have enlisted or served in any of the armed forces of the United States," approved July 10, 1940, General Acts 1939, page 1027.

Committee on Immigration, Industrial Resources and Labor.

By Mr. Sherrer:

S. 182. To authorize and empower The Court of County Revenues of Dallas County, Alabama, to expend County Funds not exceeding $12,000.00 per annum for purposes not otherwise provided for by law.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

The Legislature of Alabama will be requested to pass the following local law at the Regular 1943 Session; which law shall be substantially as follows:

An Act

To Authorize and empower The Court of County Revenues of Dallas County, Alabama, to expend County Funds not exceeding $12,000.00 per annum for purposes not otherwise provided for by law.

Be it Enacted by the Legislature of Alabama:

Section 1. That The Court of County Revenues of Dallas County, Alabama, be and they are hereby authorized and empowered to appropriate out of any monies in the county treasury, not otherwise appropriated, and to expend not exceeding the sum of $12,000.00 per annum for any purposes, not otherwise provided for by law, that in their judgment are worthy and for the best interest of the County, the fund hereby authorized to be known as the "Contingent Fund".

Section 2. That, under the provisions of Section 1 not more than $12,000.00 shall be appropriated and expended in any one year and should any sum or sums remain unexpended in said fund at the end of the year only so much shall be appropriated for the next succeeding year as will together with the sum so remaining unexpended bring the Contingent Fund up to the sum of $12,000.00.

Section 3. That this Act shall become effective immediately upon its passage and approval by the Governor.

THE COURT OF COUNTY REVENUES
OF DALLAS COUNTY, ALABAMA.

16-23-30-7

THE STATE OF ALABAMA,
DALLAS COUNTY.

Before me, Eugenia B. Gusdorf, a Notary Public in and for said County in said State, personally appeared Mary H. Raiford who is known to me, and who, being duly sworn by me deposes and says on oath that she is the Pub-

lisher of The Selma Times-Journal, a daily newspaper published in Selma, Dallas County, Alabama, and that the foregoing notice, a true copy of which is hereto attached, was published in The Selma Times-Journal once a week for four consecutive weeks prior to this date, the same having been published on April 16, 1943, April 23, 1943, April 30, 1943 and May 7, 1943.

MARY H. RAIFORD,
Publisher.

Sworn to and subscribed before me by Mary H. Raiford this the 10th day of May, 1943.

EUGENIA B. GUSDORF,
(Seal) Notary Public, Dallas County, Alabama.

By Mr. Sherrer:

S. 183. To Amend the caption and section three (3) of an act entitled "An Act to abolish the office of county treasurer of Dallas County, and to require the tax collector and other officers of Dallas County to deposit funds belonging to the county in the City National Bank of Selma and the Selma Savings Bank, to the credit of the county and subject to the order of the court of county revenues," approved Feb. 8th, 1877, so as to make it read as follows:

Committee on Local Legislation.

With notice and proof theerto attached and herewith exhibited as follows:

NOTICE

The Legislature of Alabama will be requested to pass the following local law at the Regular 1943 Session; which law shall be substantially as follows:

An Act

To Amend the caption and section three (3) of an act entitled "An act to abolish the office of county treasurer of Dallas County, and to require the tax collector and other officers of Dallas County to deposit funds belonging to the county in the City National Bank of Selma and the Selma Savings Bank, to the credit of the county and subject to the order of the court of county revenues," approved Feb. 8th, 1877, so as to make it read as follows:

Be it Enacted by the Legislature of Alabama:

Section 1. That the caption of said act be amended, so as to read as follows: An act to abolish the office of county treasurer of Dallas county, and to require the tax collector and other officers of Dallas County to deposit the funds belonging to the county into either The City National Bank of Selma, The Selma National Bank of Selma, The Selma Trust & Savings Bank of Selma, The Peoples Bank & Trust Co., of Selma, or the Marion Junction State Bank as the board of revenue of Dallas county may by order at any regular term direct, or to any one of them to the credit of said county and subject to the order of the Court of County Revenues.

Section 2. Be it further enacted that section three of said act be amended so as to read as follows:

Section 3. Be it further enacted that all moneys or any part thereof, heretofore required by law to be paid to the county treasurer shall be paid into, either The City National Bank of Selma, The Selma National Bank of Selma, The Selma Trust & Savings Bank of Selma, The Peoples Bank & Trust Co., of Selma, or the Marion Junction State Bank, as the board of revenue of Dallas County may, by order at any regular term direct, to the credit of said county, and all settlements heretofore required by law to be made with said treasurer shall be made as on said Court of County Revenues; the receipts of the bank or banks into which the board of revenue may have designated the same to be paid being sufficient vouchers; and all sworn reports heretofore required by law to be made to said treasurer shall be made to the probate judge of said county.

Section 4. This Act shall take effect on its passage and approval by the Governor.

THE COURT OF COUNTY REVENUES
OF DALLAS COUNTY, ALABAMA.

16-23-30-7

THE STATE OF ALABAMA,
DALLAS COUNTY.

Before me, Minne E. Galt, a Notary Public in and for said County in said State, personally appeared Mary H. Raiford who is known to me, and who, being duly sworn by me deposes and says on oath that she is the Publisher of The Selma Times-Journal, a daily newspaper published in Selma, Dallas County, Alabama, and that the foregoing notice, a true copy of which is hereto attached, was published in The Selma Times-Journal once a week for four consecutive weeks prior to this date, the same having been published on April 16, 1943, April 23, 1943, April 30, 1943 and May 7, 1943.

MARY H. RAIFORD,
Publisher.

Sworn to and subscribed before me by Mary H. Raiford this the 7th day of May, 1943.

MINNIE E. GALT,
(Seal) Notary Public, Dallas County, Alabama.

By Mr. Sherrer:

S. 184. To authorize The Court of County Revenues of Dallas County, Alabama to pass upon, allow and pay the claim of H. Bennett Pickering for medical services, nurses, drugs, and hospitalization rendered to him on account of injuries received by him while performing the duties of deputy sheriff.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

The Legislature of Alabama will be requested to pass the following local law at the Regular 1943 Session; which law shall be substantially as follows:

An Act

An Act to authorize The Court of County Revenues of Dallas County, Alabama to pass upon, allow and pay the claim of H. Bennett Pickering for

medical services, nurses, drugs, and hospitalization rendered to him on account of injuries received by him while performing the duties of deputy sheriff.

Be it Enacted by the Legislature of Alabama:

Section 1: That The Court of County Revenues of Dallas County, Alabama be and they are hereby authorized to pass upon, allow and pay the claims of H. Bennett Pickering for medical services, nurses, drugs, and hospitalization rendered to him on account of injuries received by him while acting as a deputy sheriff.

Section 2: The total amount to be allowed on account of said medical services, nurses, drugs and hospitalization shall not exceed the sum of $2,000.00.

Section 3: This Act shall take effect on its passage and approval by the Governor.

THE COURT OF COUNTY REVENUES
OF DALLAS COUNTY, ALABAMA.

16-23-30-7

THE STATE OF ALABAMA,
DALLAS COUNTY.

Before me, Minnie E. Galt, a Notary Public in and for said County in said State, personally appeared Mary H. Raiford who is known to me, and who, being duly sworn by me deposes and says on oath that she is the Publisher of The Selma Times-Journal, a daily newspaper published in Selma, Dallas County, Alabama, and that the foregoing notice, a true copy of which is hereto attached, was published in The Selma Times-Journal once a week for four consecutive weeks prior to this date, the same having been published on April 16, 1943, April 23, 1943, April 30, 1943 and May 7, 1943.

MARY H. RAIFORD,
Publisher.

Sworn to and subscribed before me by Mary H. Raiford this the 7th day of May, 1943.

MINNIE E. GALT,
(Seal) Notary Public, Dallas County, Alabama.

By Mr. Sherrer:

S. 185. To fix, regulate and alter the employment allowances, and compensation of employees in the offices of Probate Judge, Tax Collector, Tax Assessor, Clerk of the Circuit Court and Register in Chancery of Dallas County as provided in Article XLVI of the Constitution of Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

The Legislature of Alabama will be requested to pass the following local law at the Regular 1943 Session; which law shall be substantially as follows:

A Bill To Be Entitled An Act

To fix, regulate and alter the employment allowances, and compensation of employees in the offices of Probate Judge, Tax Collector, Tax Assessor,

Clerk of the Circuit Court and Register in Chancery of Dallas County as provided in Article XLVI of the Constitution of Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1. That the allowances for and the compensation of employees in the offices of the Probate Judge, Tax Collector, Tax Assessor, Circuit Clerk and Register in Chancery of Dallas County and the designation of such employees be fixed and allowed as follows:

In the office of the Probate Judge there shall be one chief clerk who shall receive up to $3,000.00 per annum for his services, and two clerks who shall receive up to $1,800.00 each per annum for their services, and one clerk up to $400.00 per annum. In the office of the Tax Collector there shall be one Chief Clerk to be known as a Deputy Collector, who shall receive up to $2,700.00 per annum for his services. In the office of the Tax Assessor there shall be one chief clerk who shall be known as Deputy Assessor, who shall be paid up to $2,700.00 per annum for his services; and one additional clerk who shall receive up to $1,800.00 per annum for his or her services. In the office of the Clerk of the Circuit Court, who is also the Register in Chancery, there shall be one clerk who shall receive up to $1,800.00 per year for her services;

Section 2. That this act is under the authority of and in accordance with Article XLVI of the Constitution of Alabama, and all other provisions of said Article, not herein amended, and of laws passed heretofore relating to this subject, except as herein amended, are continued in force.

Section 3: This Act shall take effect immediately upon its passage and approval by the Governor or its otherwise becoming a law.

THE COURT OF COUNTY REVENUES
OF DALLAS COUNTY, ALABAMA.

16-23-30-7

THE STATE OF ALABAMA,
DALLAS COUNTY.

Before me, Minnie E. Galt, a Notary Public in and for said County in said State, personally appeared Mary H. Raiford who is known to me, and who, being duly sworn by me deposes and says on oath that she is the Publisher of The Selma Times-Journal, a daily newspaper published in Selma, Dallas County, Alabama, and that the foregoing notice, a true copy of which is hereto attached, was published in The Selma Times-Journal once a week for four consecutive weeks prior to this date, the same having been published on April 16, 1943, April 23, 1943, April 30, 1943 and May 7, 1943.

MARY H. RAIFORD,
Publisher.

Sworn to and subscribed before me by Mary H. Raiford this the 7th day of May, 1943.

EUGENIA B. GUSDORF,
(Seal) Notary Public, Dallas County, Alabama.

By Mr. Kilborn:

S. 186. To repeal an Act entitled "An Act to provide for an increase in the salaries of firemen and policemen in incorporated cities of the State of Alabama now or hereafter subject to or governed by a commission created or elected under and by authority of the General Act of Alabama of 1911, page 330 by setting aside or appropriating for such purpose one-half of the monies derived

by each such city under the terms of the Alcoholic Beverage Control Act of this State, and to fix the method by which the salaries of said firemen and policemen may be increased", approved March 4, 1937.

Committee on Judiciary.

REPORTS OF COMMITTEES

Mr. Shaver, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills an dordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Cater (with amendment):

S. 77. To provide an automatic appeal for a convicted felon sentenced to death pursuant to the laws of Alabama; to regulate such appeals and to prescribe the procedure therefor; to define an indigent appellant and to authorize an investigation of the alleged indigency; to provide an indigent appellant with transcriptional service of the court reporter and with legal counsel to prosecute the automatic appeal; and to provide that such service and legal counsel shall be furnished at the expense of the State of Alabama.

By Mr. Johnston, Sullivan and Stone (with amendment):

H. 104. To amend section 55 of Title 62 of the Code of Alabama of 1940.

By Mr. Bentley (with amendment):

S. 98. To amend Section 27 of Title 47 of the Code of Alabama of 1940:

By Mr. Sherrer (with substitute):

S. 137. To authorize and create an additional judge of the Fourth Judicial Circuit of Alabama and to provide for his election, jurisdiction, powers, authority and qualifications, to render him liable to all the pains and penalties of the other Circuit Judges of the State, and to provide for the salary of said judge.

By Mr. Hill:

S. 4. To amend Section 23 of Title 34 of the Code of Alabama, 1940.

By Mr. Taylor:

S. 155. To provide for the appointment by the Governor of a competent number of notaries public for the state at large; to fix their term of office and to define their jurisdiction, power and au-

thority and to provide for making of bond and the adoption of a seal.

By Mr. Fite:

H. 82. To amend Equity Rule 56 as it appears in the 1940 Code of Alabama.

Mr. McCary, Chairman of the Standing Committee on Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Taylor:

S. 101. To amend Title 28, Section 53, Code of 1940.

By Mr. Pinson (with amendment):

S. 103. To empower guardians and trustees to invest the funds of their wards or of the beneficiaries of trusts in Life, Endowment, or Annuity contracts, and to define the limitations of such power and the rights of the guardian or trustee with respect to the control of such investment.

Mr. Cobb, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Bentley (with notice and proof):

S. 172. To repeal an act entitled, "An act to abolish the office of County Solicitor of Coosa County, Alabama, and to create in lieu thereof the office of County Attorney; to define the qualifications and duties of County Attorney of Coosa County, Alabama; to provide for his election or appointment; to provide for the salary of the County Attorney and the manner of paying the same; to prescribe his term of office and for his removal from office and for the filling of the vacancy in said office," Approved October 27th, 1932.

By Messrs. Sullivan, Stone and Johnston (with notice and proof):

H. 92. To relieve the Tax Assessor of Mobile County, Alabama from the duty of preparing a book of assessments, and in lieu thereof to arrange in alphabetical order the original assessment lists and have same permanently bound and kept as a permanent record and prepare tax collector's abstracts from such assessment lists.

By Mr. Hill (with notice and proof):

S. 128. To allow the Sheriff of Lauderdale County, Alabama, an additional deputy sheriff to that provided by law; to fix the salary of said deputy and to make the same payable out of the General Funds of Lauderdale County in monthly installments.

By Mr. Kilborn (with notice and proof):

S. 91. To require additional duties of the Clerk of the Circuit Court of Mobile County, Alabama, by requiring said Clerk to keep a separate docket in his office available to public inspection at any and all times the said Clerk's office is open for business, in which said Clerk shall enter any and all orders made by said Court suspending the execution of sentences except in those cases in which the Court has ordered the case placed on the probation docket; to prescribe the information that shall be shown in said docket in regard to any defendant whose sentence has been suspended, pending good behavior, and further to provide for additional compensation for such additional duties of said Clerk.

By Mr. McCary (with notice and proof):

S. 148. To fix the salary of the Deputy Solicitor for Calhoun County, Alabama, at twenty-four hundred dollars per year, and to provide for the payment thereof.

By Mr. Bentley (with notice and proof):

S. 93. To authorize and empower the Commissioners of Coosa County, Alabama, to maintain, work and keep up all county roads which lead into and through the corporate limits of all municipal corporations in Coosa County, Alabama.

By Messrs. Johnston, Stone and Sullivan (With notice and proof):

H. 103. To amend section 55 of title 62 of the Code of Alabama of 1940.

By Mr. Fite (with notice and proof):

H. 73. To further regulate the County Court of Marion County, Alabama; to define its jurisdiction and powers; to provide for a judge of said Court and for his election, and to prescribe his term of office, powers, jurisdiction, duties and compensation; to make said Court a court of record, and to provide that said Court shall be open at all times for the trial of cases and the transaction of business; and to prescribe rules and procedure for said Court.

By Mr. Hankins (with notice and proof):

H. 64. To provide for the election of a County Superintended of Education for Lamar County, Alabama by the qualified electors thereof, to fix the term of office, to prescribe the duties and qualifications, to fix the salary and expense allowance, to outline the

duties and powers, to provide for the filling of vacancies, to repeal all laws in conflict herewith and to fix the effective date of this act.

By Mr. Fite (with notice and proof):

H. 84. To abolish the office of Deputy Solicitor of Marion County, and to create in lieu thereof the office of County Solicitor of Marion County; to provide for said County Solicitor and for his election; and prescribe his term of office, powers, duties, jurisdiction and compensation.

Mr. Pinson, Vice-Chairman of the Standing Committee on Forestry and Conservation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Simpson:

S. 132. To provide for the distribution and payment to the State Treasury and to the Counties of Alabama of any moneys received from the United States which accrued from receipts from National Forests within the State, or from any appropriation made by the United States to reimburse the State or any County of the State, for loss of taxes because of lands owned by the Federal Government theerin; to provide that any County which received any of said money shall cause to be set up an accounting record within which shall be recorded all moneys so received and the distribution made of all such moneys, and to provide the purposes for which money received by any County under the provisions of this Act may be expended; to provide for the payment and distribution of any money now in the State Treasury which has been paid into the State Treasury by the United States on account of receipts from National Forest Lands within the State.

By Mr. Simpson:

S. 135. To repeal Sections 227, 228, 229, 230 and 231 of Title 8 of the Code of Alabama of 1940.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Carnley:

H. 18. To amend Section 88, Title 36, Code of Alabama, 1940.

And sends same herewith without engrossment to the Senate.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bill set out in the foregoing Message from the House was read one time and referred to appropriate Standing Committee as follows:

H. 18, to the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Givhan and Mr. Green:

H. 30. To promote the agricultural interests of the State of Alabama by providing for the inspection, grading, standardization, classification, refrigeration, dehydration (for both food and feed), canning, packing, processing, cold storage, and marketing of agricultural products, including all staple food crops, fruits, vegetables, poultry, dairy products, fish, and kindred products; and for such purposes to create a public board, to be known as the Alabama State Markets Board, to provide for the acquisition, equipment, operation, and maintenance of a public market or markets; to define the duties, powers, and authority of said board; and to appropriate public funds for such purposes.

And sends same herewith to the Senate for its consideration.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bill set out in the foregoing Message from the House was read one time and referred to appropriate Standing Committee as follows:

H. 30, to the Committee on Agriculture.

RECONSIDERATION OF VOTE

Mr. Cobb moved that the Senate reconsider the vote by which the amendment offered by Mr. Kilborn was adopted on yesterday to the bill:

S. 57. To promote the agricultural interests of the State of Alabama by providing for the inspection, grading, standardization, classification, refrigeration, dehydration (for both food and feed),

canning, packing, processing, cold storage, and marketing of agricultural products, including all staple food crops, fruits, vegetables, poultry, dairy products, fish, and kindred products; and for such purposes to create a public board, to be known as the Alabama State Markets Board, to provide for the acquisition, equipment, operation, and maintenance of a public market or markets; to define the duties, powers, and authority of said board and to appropriate public funds for such purposes.

And then moved that the motion to reconsider said vote be carried over until the next day, which motion prevailed.

RESOLUTION

Mr. McCary offered the following resolution, to-wit:

S. J. R. 9. Be it resolved by the Senate of Alabama, the House concurring:

That, whereas, the Temperance Committee of the Senate and the Temperance Committee of the House have called a joint meeting of said Committees to be held at 2:30 P. M. today, and

Whereas, said meeting is called to give a full public hearing on a proposed bill which is vital to the spirital, moral and financial welfare of our State.

Therefore be it resolved that the Senate and House of Representatives do hereby each become a Committee of the Whole to attend such meeting.

Which was read and referred to the Standing Committee on Rules.

RECESS

On motion of Mr. CcCary, the Senate took a ten minute recess to allow the Rules Committee to meet for the purpose of reporting on S. J. R. 9.

Yeas, 18; Nays, 11.

Yeas:

Messrs.:	Espy	Lawson	Sherrer	
Benson	Garrett	Madison	Smith	
Bentley	Henderson	McCary	Taylor	
Black	High	Newton	Walton	
Bradford	Jones	St. John (Lawrence)		—18

Nays:

Messrs.:	Dodson	Hornsby	Shaver
Carlton	Goodwin	Kilborn	Simpson
Cater	Hill	Pinson	Toomer

—11

The Senate re-assembled after the meeting of the Rules Committee.

MOTION IN WRITING

Mr. McCary offered the following motion:

"I move that the Rules Committee be instructed to immediately report Senate Joint Resolution No. 9 either favorable or adverse and that a aye and nay vote be taken on this motion."

Which motion was lost.

Yeas, 11; Nays, 17.

Yeas:

Messrs.:	Bradford	McCary	Smith
Benson	Henderson	Newton	Taylor
Bentley	Lawson	St. John (Lawrence)	Walton

—11

Nays:

Messrs.:	Dodson	Hill	St. John (Cullman)
Black	Espy	Jones	Shaver
Carlton	Garrett	Kilborn	Simpson
Cater	Goodwin	Pinson	Toomer
Cobb	High		

—17

RESOLUTIONS

Mr. Cobb offered the following resolution, to-wit:

S. R. 10. Resolved by the Senate that the Secretary of the Senate be instructed to have a loud speaker system installed in the Senate Chamber.

And on motion of Mr. Cobb, the rules were suspended and the resolution adopted.

Mr. Simpson offered the following resolution, to-wit:

S. R. 11. BE IT RESOLVED BY THE SENATE, That,

WHEREAS, the Hon, Preston Clayton, a member of the Rules Committee, is absent from the Senate in the performance of his duties as a member of the Armed Forces in the United States; and

WHEREAS, the Committee on Rules is a body in which it is necessary that all questions be decided promptly; and,

WHEREAS, with the present membership in attendance it is possible that a tie vote may prevent decisions of matters before that Committee; therefore

BE IT RESOLVED That during the absence of the said Hon. Preston Clayton from attendance upon the Senate, the Lieutenant Governor be, and he hereby is authorized to appoint an additional member of said Rules Committee, which additional member shall, in the absence of the said Hon. Preston Clayton, have the same rights, powers and privileges as any other member of said Committee on Rules of the Senate.

And on motion of Mr. Simpson, the rules were suspended and the resolution adopted.

COMMITTEE APPOINTMENT

In accordance with S. R. 11 just adopted by the Senate, the President and Presiding Officer of the Senate appointed Mr. Pinson as a member of the Rules Committee of the Senate.

BILLS ON THIRD READING

The bill:

S. 88. To amend Section 613 of Title 51 of the 1940 Code of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 25; Nay, 1.

Yeas:

Messrs.:	Cobb	Hill	Pinson
Benson	Dodson	Hornsby	St. John (Cullman)
Bentley	Espy	Jones	St. John (Lawrence)
Black	Garrett	Kilborn	Smith
Bradford	Goodwin	Lawson	Taylor
Carlton	Henderson	McCary	Toomer
Cater	High		—25

Nay: Mr. Walton —1

The bill:

S. 24. To Amend Section 151 of Chapter 8 of Title 52 of the Code of Alabama of 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yes, 26; Nays, 0.

Yeas:

Messrs.:	Dodson	Jones	St. John (Lawrence)
Benson	Espy	Kilborn	Simpson
Bentley	Garrett	Lawson	Smith
Black	Goodwin	Madison	Taylor
Bradford	Henderson	McCary	Toomer
Carlton	Hill	Pinson	Walton
Cater	Hornsby	St. John (Cullman)	—26

Nays: —0

The bill:

S. 21. To amend Sections 362, 364, 365, 367, 368, 369, and 372, of Title 52 of the Code of Alabama of 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:	Dodson	Hornsby	Pinson
Benson	Espy	Jones	St. John (Lawrence)
Bentley	Garrett	Kilborn	Shaver
Black	Goodwin	Lawson	Simpson
Bradford	Henderson	Madison	Smith
Cater	High	McCary	Taylor
Cobb	Hill	Newton	Walton
			—27

Nays: —0

The bill:

H. 44. To repeal Sections 24 and 32 of Title 49 of the 1940 Code of Alabama.

Was read a third time at length and passed.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:	Cobb	Hill	Pinson
Benson	Dodson	Hornsby	St. John (Cullman)
Bentley	Espy	Jones	St. John (Lawrence)
Black	Garrett	Kilborn	Simpson
Bradford	Goodwin	Lawson	Smith
Carlton	Henderson	Madison	Taylor
Cater	High	Newton	Walton
			—27

Nays: —0

The bill:

H. 124. To exempt assistance grants to needy blind persons from levy, garnishment, attachment and all taxes.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:	Cobb	Hill	Pinson	
Benson	Dodson	Hornsby	Simpson	
Bentley	Espy	Jones	Smith	
Black	Garrett	Kilborn	Taylor	
Bradford	Goodwin	Lawson	Toomer	
Carlton	Henderson	McCary	Walton	
Cater	High	Newton		—26

Nays: —0

The bill:

S. 50. To provide for the allocation of funds for the administration of assistance to needy blind persons.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:	Dodson	Jones	St. John (Lawrence)	
Benson	Garrett	Kilborn	Shaver	
Bentley	Goodwin	Lawson	Simpson	
Black	Henderson	Madison	Smith	
Bradford	High	McCary	Taylor	
Carlton	Hill	Newton	Toomer	
Cater	Hornsby	Pinson	Walton	
				—27

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Carnley:

H. 16. To require the clerks of all criminal courts of record where defendant has been released on bond to give notice of the date of trial to the defendant and sureties; to provide for a fee for such services for the clerks; to provide that the failure to receive such notice shall not affect the validity of the prosecution.

Also:

By Mr. Locke:

H. 115. To provide an automatic appeal for a convicted felon sentenced to death pursuant to the laws of Alabama; to regulate such appeals and to prescribe the procedure therefor; to define an

indigent appellant and to authorize an investigation of the alleged indigency; to provide an indigent appellant with transcriptional service of the court reporter and wtih legal counsel to prosecute the automatic appeal; and to provide thta such service and legal counsel shall be furnished at the expense of the State of Alabama.

Also:
By Mr. Allen:
H. 43. To provide for the appointment of notaries public for the State at large and to prescribe their term of office, duties, and authority.

Also:
By Mr. Sanderson.
H. 109. To amend Section 29, Chapter 2, Title 34 of the Code of Alabama 1940.

And sends same herewith without engrossment to the Senate.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bills set out in the foregoing Message from the House were severally read one time and referred to appropriate standing committee as follows:

House bills 16, 115, 43, and 109, to the Committee on Judiciary.

ORDER TO PRINT

On motion of Mr. St. John of Lawrence 250 copies of the bill: S. 123.

Were ordered printed for the use of the Senate.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:
Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Eighth day, and finds same correct and containing all original entries and references thereto required by the Constitution.

Jim Smith, Jr.,
Chairman.

COMMITTEE REPORT

On motion of Mr. Smith, the foregoing report was concurred in and the Journal of the Senate for the Eighth day approved by the Senate.

ADJOURNMENT

At twelve o'clock Noo, on motion of Mr. Carlton, the Senate adjourned until tomorrow, Thursday May 13, 1943, at 10 A. M.

TENTH DAY

Thursday, May 13, 1943.

The Senate met pursuant to adjournment, Lieutenant-Governor Ellis presiding.

PRAYER

The session was opened with prayer by Rev. Selwyn Smith, Southside Baptist Church, Montgomery, Ala.

ROLL CALL

Present:

Messrs.:	Cobb	Hornsby	St. John (Lawrence)
Benson	Dodson	Kilborn	Shaver
Bentley	Espy	Lawson	Sherrer
Black	Garrett	Madison	Simpson
Bradford	Goodwin	McCary	Smith
Brown	Henderson	Newton	Taylor
Carlton	High	Pinson	Toomer
Cater	Hill	St. John (Cullman)	Walton

—31

JOURNAL

On motion of Mr. Goodwin, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested.

H. 21. To amend Sections 20, 22, 26 and 30 of Title 49 of the 1940 Code of Alabama.

Also:

H. 44. To repeal Sections 24 and 32 of Title of the 1940 Code of Alabama.

Also:

H. 124. To exempt assistance grants to needy blind persons from levy, garnishment, attachment and all taxes.

R. T. Goodwyn, Jr.,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced severally read one time and referred to appropriate standing committees, as follows:

By Mr. Walton:

S. 187. To enable the Department of Public Safety to establish and operate a pension program for eligible employees, to define terms, to provide for a pension trust agreement, to provide for minimum contributions by empoyee and department; to authorize the department of public safety to establish and operate a pension trust, a mortality reserve account, a disability reserve account, a dependent's pension reserve account, an officers' benefit fund, to require approval of the actuarial soundness of the pension trust and of the general method of operation of the officers' benefit fund by the Bureau of Insurance of Alabama; to make an appropriation to the pension trust fund for the benefit of department employees employed prior to the passage of this act and after January 1, 1936, to repeal laws in conflict with this act, to prohibit empoyee beneficiaries and others from encumbering anticipated benefits before actual payment, to provide for separability of the act should a part be declared invalid, to provide for a date at which this act becomes effective.

Committee on Finance and Taxation.

By Mr. Bentley:

S. 188. To amend Sections 185, 187, 191, 204, 209, 213, 214, 216, 224, 225, 227, 233 and 248 of Title 26, Code of Alabama, 1940, and to repeal Subsection D of Section 185 and all of Section 226 of Title 26, Code of Alabama, 1940, and to repeal all laws and parts of laws in confict herewith.

Committee on Judiciary.

By Mr. Simpson:

S. 189. To amend Section 28 of the Aabama Motor Carrier Act of 1939.

Committee on Finance and Taxation.

By Mr. Cobb:

S. 190. To provide that in all Courts of Inferior Jurisdiction and all Circuit Courts in counties in this State, that the Sheriff, constables or other officers of said Court may serve subpoenas, summons for Jury duty, writs of garnishment and notices of interrogatories by Registered Mail and to provide that return receipt signed by the party to be served shall be construed to be as personal, sufficient and legal service of all such processes; and to fix the duty of the officers of said Court in event that said processes are returned without being delivered to the addressee.

Committee on Judiciary.

By Mr. Cobb:

S. 191. So provide for the keeping in secrecy of the names and identities of persons drawn or summoned for jury service in Circuit Courts and or Inferior Courts or record and to prescribe penalties and punishments for violations of the provisions of this act.

Committee on Judiciary.

By Mr. Newton:

S. 192. To amend Section 267 of Title 13, Code of Aabama 1940.

Committee on Judiciary.

By Mr. St. John (Lawrence):

S. 193. To further promote temperance and supress intemperance; to make unlawful the advertisement of alcoholic, spiritous, vinous, or malt liquors; to provide for the removal of such advertisements and defined cases; and to provide for the prevention of the continuation and repetition of the acts hereby made unlawful, and to prescribe remedies, procedures, penalties and punishment.

Committee on Temperance.

By Mr. St. John (Lawrence):

S. 194. To propose an amendment to the Constitution of Alabama providing and submitting to the qualified electors of the State of Alabama at an election to be held on the first Tuesday next after the expiration of three months from the date of the final adjournment of the present session of the Legislature allocating and setting apart all proceeds derived from sales tax in Alabama to the public schools of the State and to fix the date when the same shall become operative.

Committee on Constitution and Constitutional Revision and Amendments

The above bill was read one time at length as required by the Constitution.

By Mr. St. John (Cullman):

S. 195. To amend Section Two of an Act approved March 15, 1939, entitled "An Act to allow the Sheriff of Cullman County, Alabama, an additional deputy; to provide for his appointment, qualification by giving bond; to hold office at the pleasure of said Sheriff; to fix his compensation; and to provide for payment thereof out of the general fund of the County; and to provide for the appointment of his successor where such Deputy is removed, dies or resigns."

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that the following bill will be introduced and passed at the 1943 session of the Legislature of Alabama.

A BILL
TO BE ENTITLED
AN ACT

To amend Section Two of an act approved March 15, 1939, entitled "An Act to allow the Sheriff of Cullman County, Alabama, an additional Deputy; to provide for his appointment, qualification by giving bond; to hold office at the pleasure of said Sheriff; to fix his compensation; and to provide for payment thereof out of the general fund of the County; and to provide for the appointment of his successor where such Deputy is removed, dies or resigns."

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That Section Two of the Act approved March 15, 1939, entitled "An Act to allow the Sheriff of Cullman County, Alabama, an addi-

tional Deputy; to provide for his appointment, qualification by giving bond; to hold office at the pleasure of said Sheriff; to fix his compensation; and to provide for payment thereof out of the general fund of the County; and to provide for the appointment of his successor where such Deputy is removed, dies or resigns," be amended so as to read as follows:

Section Two: The compensation of said Deputy is hereby fixed at One Hundred fifty ($150.00) Dollars per month, payable out of the general fund of the County, upon the presentation of a claim for such compensation, monthly, by the Sheriff to the Board of Revenue or other like governing body of said County, and it shall thereupon be the duty of said Board of Revenue or other like governing body of said County to order a warrant drawn on the general fund of the County payable to such Deputy Sheriff for the amount of the monthly salary as hereinabove provided.

Section 2. That all provisions of said Act approved March 15, 1939, and not in conflict herewith, are hereby retained.

Section 3. That all laws and parts of laws in conflict with this Act are hereby repealed.

STATE OF ALABAMA,
CULLMAN COUNTY.

Before me, Opal Watson, a Notary Public in and for said State and County, this day personally appeared Mamie Bradford, who being by me first duly sworn, deposes and says that she is the Editor and Publisher of The Cullman Banner, a newspaper of general circulation published in Cullman County, Alabama; that the above and foregoing notice was published once a week for four consecutive weeks in The Cullman Banner, on to-wit: April 8, April 15, April 22, and April 29, 1943, without cost to the State of Alabama.

MAMIE BRADFORD.
Editor and Publisher, The Cullman Banner.

Sworn to and subscribed before me, this the 10th day of May, 1943.

OPAL WATSON,
(SEAL) Notary Public, Cullman County, Ala.

By Mr. St. John (Cullman):

S. 196. To prescribe the salary and the manner of payment of the same, of the Chief Deputy Sheriff for Cullman County, Alabama.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that the following bill will be introduced and passed at the 1943 session of the Legislature of Alabama.

A BILL
TO BE ENTITLED
AN ACT

To prescribe the salary and the manner of payment of the same, of the Chief Deputy Sheriff for Cullman County, Alabama.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The salary of the chief deputy sheriff for Cullman County, Alabama, shall be in the sum of Two Thousand Four Hundred Dollars per annum, the same to be paid in equal monthly installments out of the general funds of said County, upon the Warrant of the Board of Revenue or other governing body of said County.

Section 2. That all laws and parts of laws in conflict herewith are hereby expressly repealed, and this act shall be of force and effect from and after its approval by the Governor.

STATE OF ALABAMA,
CULLMAN COUNTY.

Before me, Opal Watson, a Notary Public in and for said State and County, this day personally appeared Mamie Bradford, who being by me first duly sworn, deposes and says that she is the Editor and Publisher of The Cullman Banner, a newspaper of general circulation published in Cullman County, Alabama; that the above and foregoing notice was published once a week for four consecutive weeks in The Cullman Banner, on to-wit: April 8, 1943, April 15, 1943, April 22, 1943, and April 29, 1943, without cost to the State of Alabama.

MAMIE BRADFORD,
Editor and Publisher, The Cullman Banner.

Sworn to and subscribed before me, this the 10th day of May, 1943.

OPAL WATSON,
(SEAL). Notary Public, Cullman County, Ala.

By Mr. Sherrer:

S. 197. To create the office of Commissioner of Motor Vehicles; to provide for and define the powers, duties and authority of such commission and other officers, agents and employees; to provide for the appointment of such commission, and for the the appointment or employment of other officers, agents or employees in connection with administration or enforcement of this act; to regulate the business of selling motor vehicles; to license and regulate the business of selling motor vehicles at wholesale or retail by dealers, salesmen, brokers, commission agents, junk dealers, or otherwise; to prived for the creation and appointment of a Motor Vehicle Advisory Board in connection with the administration or enforcement of this act and to prescribe the powers and duties of such Board; to provide for the salaries or compensation of such commissioner and other officers, agents or employees, and the members of such Motor Vehicle Advisory Board; and to provide for the administration of the act under the general supervision and control of the Department of Commerce of the State of Alabama and a subordinate bureau or division of said Department; and to provide for the modification or repeal of laws or portions of laws inconstistent or in conflict with the provisions of this act.

Committee on Public Roads and Highways.

REPORTS OF COMMITTES

Mr. Cobb Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severaly read a second time and paced on the calendar, to-wit:

By Cole and Gullatt (with notice and proof):

H. 122. To require the County Commission of Russell County, Alabama, to remove all records of the Circuit Clerk, the Sheriff, Tax Assessor, Tax Collector and Judge of Probate from the Branch Courthouse at Seale, Alabama to the Courthouse at Phenix City, Alabama, and to provide for all functions of County Government to be held at Phenix City, Russell County, Alabama.

By Cole and Gullatt (with notice and proof):

H. 123. TO REPEAL AN ACT ENTITLED "AN ACT to establish an additional or branch court house at Phenix City, in Russell County, Alabama; to divide the county into Northern and Southern division for such circuit court and to fix the boundary line between the two; to provide for the manner and form of the process for causes to be heard in the different divisions; to require certain officers of the county to keep an office at such branch court house; to fix the duties and compensation for such officers; to provide for grand and petit juries; to fix the jurisdiction and venue of each division of both civil and criminal cases and to provide for the removal of such cases from one division to the other; to provide for the method of appeal from inferior courts to the respective divisions of the Circuit Court; to fix requirements as to the confinement of prisoners in the county jail; to provide for the jury and non-jury terms of circuit court in said divisions; to fix the method of determining said terms; to provide for regular and special meetings of the Board of Revenue of said County in each division; to declare and fix the duties of the Judge of Probate with reference to said branch office and the two divisions; to provide for the penalty for failure to comply with his duty and to fix compensation therefor; to provide for the holding of county court in each division and the jurisdiction of cases as to the said divisions; to provide for the appointment of a deputy clerk and fix his compensation; to require Phoenix City, in Russell County, Alabama, to furnish quarters for the said county officers, safekeeping of the records thereof and for the furnishing of said offices with furniture, fixtures, equipment, etc; to provide for the furnishing of books and stationery by the County; to fix the method and time by which said Act shall be and be declared to be operate and effective, and the time within which the first term of the circuit court shall be held in said

Northern division; to fix the duties and provide the compensation of the tax collector and tax assessor with reference to said branch or additional court house and division." Approved August 11, 1927.

By Cole and Gullatt (with notice and proof):

H. 120. To authorize the Tax Assessor and Tax Collector of Russell County, Alabama, to each appoint a deputy tax assessor and Tax Collector; and to fix the salary of such deputy tax collector of Russell County, Alabama and deputy tax assessor of Russell County, Alabama and to provide the method of appointment of such deputy tax assessor and deputy tax collector and to provide the method of payment of their salary and to require a bond of such deputy assessor and deputy collector.

By Mr. Sherrer (with notice and proof):

S. 182. To authorize and empower The Court of County Revenues of Dallas County, Alabama, to expend County Funds not exceeding $12,000.00 per annum for purposes not otherwise provided for by law.

By Mr. Sherrer (with notice and proof):

S. 183. To Amend the caption and section three (3) of an act entitled "An Act to abolish the office of county treasurer of Dallas County, and to require the tax colector and other officers of Dallas County to deposit funds belonging to the county in the City National Bank of Selma and the Selma Savings Bank, to the credit of the county and subject to the order of the court of county revenues," approved Feb. 8th, 1877, so as to make it read as follows:

By Mr. Sherrer (with notice and proof):

S. 184. To authorize The Court of County Revenues of Dallas County, Alabama to pass upon, allow and pay the claim of H. Bennett Pickering for medical services, nurses, drugs, and hospitalization rendered to him on account of injuries received by him while performing the duties of deputy sheriff.

By Mr. Sherrer (with notice and proof):

S. 185. To fix, reguate and alter the employment allowances, and compensation of employees in the offices of Probate Judge, Tax Collector, Tax Assessor, Clerk of the Circuit Court and Register in Chancery of Dallas County as provided in Article XLVI of the Constitution of Alabama.

Mr. Lawson, Chairman of the Standing Committee on Banking, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable

report, and they were severally read a second time and placed on the calendar, to-wit:

Mr. Lawson, Chairman of the Standing Committee on Banking, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Lawson:

S. 110.To amend Title 5, Section 220, Code of 1940, to provide qualifications of Directors and Officers of Savings & Loan Associations.

By Mr. Lawson:

S. 171. To reguate bank deposits in two names, and to permit payment thereof, and any interest and individuals thereon, to either party whether the other be living or dead; and to define right of survivor therein.

By Mr. Espy:

S. 173. To protect persons acting in good faith under or in reliance upon written power of attorney executed and acknowledge by person in the Armed Forces or Military Service of the United States; or by person who departs from the United States by permission or direction of any Department or Official of the United States in connection with work relating to the prosecution of the War.

By Mr. High:

S. 159. To amend Title 5, Section 82, of the Code of Alabama of 1940, so as to include as exempt from its provisions loans or obligations secured or covered by guaranties, commitments or agreements to take over or purchase the same, made by any Federal Reserve Bank or by the United States, or any Department, Board, Bureau, Commission or agency thereof, or corporation wholly owned directly or indirectly by the United States.

By Mr. High:

S. 158. To regulate notice of adverse claim to a bank deposit and to prescribe requirements, including indemnity bond, and the procedure necessary to make such claim effective or cause or recognition of adverse claim; and exempting from application of Act deposits standing in name of person who is a fiduciary for adverse claimant, if that fact and reasonable cause to believe fiduciary is about to misappropriate deposit are made to appear by affidavit of such claimant.

By Mr. Chichester:
H. 58. To amend Sections 380, 381 and 382 of Title 55 of the Code of Alabama of 1940.

By Mr. Smith:
S. 140. To amend Title 5, Section 249, Code of 1940, to provide for conservatorship and receivership of Savings and Loan Associations.

By Mr. Smith:
S. 139. To amend Title 5, Section 243, Code of 1940, to provide the supervisory power of the Commissoner:

By Mr. Kilborn:
S. 116. To amend Section 115 of Title 41 of the 1940 Code.

By Mr. Kilborn:
S. 115. To further regulate the supervision of credit unions.

By Mr. Lawson:
S. 113. To amend Section 187 of Title 5 of the 1940 Code of Alabama.

By Mr. Lawson:
S. 112. To amend Title 5, Section 244, Code of 1940, to provide for the Savings & Loan Board:

By Mr. Lawson:
S. 111. To amend Title 5, Section 239, Code of 1940, to provide for unclaimed funds of Associations and Liquidations.

Mr. Hill, Vice-Chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. St. John (Cullman):
S. 160. To authorize the governing body or road and bridge commissioner of each county in the State of Alabama, to refund, by the issuance of refunding warrants, the principal of and interest on any warrants of such county outstanding on May 1, 1943, which were theretofore issued for the purpose of constructing or maintaining or aiding in the construction or maintenance of roads and bridges in such county or for the purchase of supplies and equipment for the construction or maintenance of such roads and bridges; to specify properties of such refunding warrants; to authorize the pledge and use for the payment of the principal of and

interest on such refunding warrants of so much as may be necessary of the proceeds hereafter receivable by such county from any tax now or hereafter levied by said state upon the sale, distribution, storage, and withdrawal from storage of gasoline and other liquid motor fuels and distributed to such county; to protect the holders of any such refunding warrants; and to repeal all laws or parts of laws in conflict with this act to the extent of any such conflict.

COMMITTEE BILL REPORTED FAVORABLY AND RE-REFERRED

Mr. Lawson, Chairman of the Standing Committee on Banking reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report with a recommendation that it be re-referred to the Standing Committee on Judiciary, and the bill was read a second time and was re-referred by the President of the Senate, to the Standing Committee on Judiciary.

S. 170. To Amend Title 39, Section 13 of the Code of Alabama of 1940, a part of the Negotiable Instruments Law, so as to broaden the scope of when an instrument is payable to bearer.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Bennett of Calhoun:

H. 165. To provide for clerical assistants, and other expenses, of the offices of the Judge of Probate, Tax Collector, and Tax Assessor of Calhoun County, and to provide for the payment of the salaries of clerks, deputies, and clerical assistants in said officers out of the County Treasury of Calhoun County.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that a bill will be introduced in the next regular session of the Legislature, substantially as follows:

A BILL TO BE ENTITLED AN ACT

To provide for clerical assistants, and other expenses, of the offices of the Judge of Probate, Tax Collector, and Tax Assessor of Calhoun County, and to provide for the payment of the salaries of clerks, deputies, and clerical assistants in said offices out of the County Treasury of Calhoun County.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the combined salaries, or compensation, of the clerks, deputies, and assistants in the office of the Judge of Probate of Calhoun County, shall not exceed nine thousand ($9,000.00) per annum; that the combined salaries of the clerks, deputies, and assistants in the office of the Tax Collector of Calhoun County, shall not exceed thirty-six hundred ($3,600.00) dollars per annum; that the combined salaries of the clerks, deputies, and assistants in the office of the Tax Assessor of Calhoun County, shall not exceed Forty-Nine hundred ($4,900.00) dollars per annum, which said salaries, or compensation, shall be paid in equal monthly installments out of the general fund of Calhoun County, in the same manner as the clerks, deputies, and assistants in said offices are now paid.

Section 2. That the County Commission, or like governing body of said county, is hereby authorized, empowered and directed to appropriate and set aside out of the general fund of Calhoun County, the amounts fixed for clerical assistants in the offices of the Judge of Probate, Tax Collector, and Tax Assessor, respectively, and the County Treasurer, or County Depositary, of said county is hereby authorized to pay said amounts upon warrants drawn in the same manner as other employes in said offices are paid.

Section 3. That all laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Section 4. This act shall take effect immediately upon its passage and approval by the Governor.

April 12-19-26; May 3.

STATE OF ALABAMA)
COUNTY OF MONTGOMERY)

Before me, Agnes Baggett, a Notary Public in and for said State and County, this day personally appeared Ralph W. Callahan, who being by me first duly sworn, deposes and says that he is the Business Manager of The Anniston Star, a newspaper of general circulation published in Calhoun County, Alabama; that the above and foregoing notice was published once a week for four consecutive weeks in The Anniston Star, on to wit: April 12, 1943; April 19, 1943; April 26, 1943; and May 3, 1943, without cost to the State of Alabama.

RALPH W. CALLAHAN,
Business Manager, The Anniston Star.

Sworn to and subscribed before me, this the 4 day of May, 1943.

AGNES BAGGETT, Notary Public.

Also:

By Mr. McDonald:

H. 140. To provide for the election of a County Superintendent of Education for Coosa County, Alabama, by the qualified voters of said County; to provide the duties and fix the term of office and compensation and qualifications of such officer, and to provide for the selection and expenses of clerical help for said office and other expenses incident thereto.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL LAW FOR COOSA COUNTY, ALABAMA

Notice is hereby given that a Bill will be introduced for passage in the present Legislature of Alabama, providing a local law for Coosa County, Alabama, the substance of which is as follows:

To provide for the election of a County Superintendent of Education for Coosa County, Alabama, by the qualified voters of said county; his term of office; the nomination of candidates for said office; the qualifications and duties of such superintendent; method of filling vacancies in such office; the compensation of such superintendent; payment of his expenses; clerical help in the superintendent's office; and repeal of all existing laws in conflict herewith, so far as they relate to Coosa County.

Geo. B. McDonald,
Representative in Legislature.

4t-4:22 for Coosa County, Ala.

STATE OF ALABAMA)
TALLAPOOSA COUNTY)

Before me, Roy C. Oliver, Judge of Probate in and for said State and County, personally appeared Thos. S. Bugg, publisher of the Enterprise-Chronicle, a newspaper published at Goodwater, Coosa County, Alabama, and who being duly sworn deposes and says that the foregoing notice hereto attached has been regularly published once a week for four consecutive weeks in said newspaper on dates of issue as follows: April 1, April 8, April 15, April 22, 1943. THOS. S. BUGG.

Sworn to and subscribed before me this the 30th day of April, 1943.
(Seal) ROY C. OLIVER, Judge of Probate.

Also:

By Mr. Duffee and Mr. Jackson of Tallapoosa:

H. 161. To amend Sections 1 and 2 of an act approved September 9, 1935, entitled an act. To amend Sections 1 and 2 of an act approved July 17, 1931, entitled an act. To provide and require the sheriff of Tallapoosa County, Alabama, shall appoint and maintain a regular Deputy Sheriff at each of the following places in said county, to-wit: Alexander City, Dadeville, Daviston, and East Tallassee. To prescribe the duties of such deputies and to provide for their compensation and the payment thereof by said county, and to fix the amount of such compensation.

With notice and proof thereto attached and herewith exhibited as follows:

AN ACT

To amend Sections 1 and 2 of an act approved September 9, 1935, entitled an act. To amend Sections 1 and 2 of an act approved July 17, 1931, entitled an act. To provide and require the sheriff of Tallapoosa County, Alabama, shall appoint and maintain a regular Deputy Sheriff at each of the following places in said county, to-wit: Alexander City, Dadeville, Daviston, and East Tallassee. To prescribe the duties of such deputies and to provide

for their compensation and the payment thereof by said county, and to fix the amount of such compensation.

Be It Enacted By the Legislature of Alabama:

Section 1. That Section 1 of An Act entitled an Act "To amend Sections 1 and 2 of an act approved September 9, 1935, entitled an act. To amend sections 1 and 2 of an act approved July 17, 1931, entitled an act. To provide and require the sheriff of Tallapoosa County, Alabama, shall appoint and maintain a regular Deputy Sheriff at each of the following places in said County, to-wit: Alexander City, Dadeville, and East Tallassee. To prescribe the duties of such deputies and to provide for their compensation and the payment thereof by said County, and to fix the amount of such compensation," be and the same is hereby amended to read as follows: That the Sheriff of Tallapoosa County, Alabama, is authorized and required to appoint and maintain a regular deputy sheriff at each of the following places in said county, to-wit: Alexander City, Dadeville, Daviston, and East Tallassee, whose office shall be in said above named places respectively.

Section 2. That Section 2 of an act entitled an Act "To amend Sections 1 and 2 of an act approved September 9, 1935, entitled an act. To amend sections 1 and 2 of an act approved July 17, 1931, entitled an act. To provide and require the sheriff of Tallapoosa County, Alabama, shall appoint and maintain a regular Deputy Sheriff at each of the following places in said county, to-wit: Alexander City, Dadeville and East Tallassee. To prescribe the duties of such deputies and to provide for their compensation and the payment thereof by said county, and to fix the amount of such compensation, be and the same is hereby amended so as to read as follows: That the salary of each of said Deputy Sheriffs shall be as follows: The deputy appointed at Alexander City in said County shall be eighteen hundred ($1800) dollars per annum to be paid by said Tallapoosa County out of the general funds of said county on equal monthly installments on warrants drawn by the Judge of Probate of said county, payable on the first day of each month, the deputy appointed for Dadeville in said county, salary shall be eighteen hundred dollars ($1800) per annum, to be paid by said Tallapoosa County out of the general funds of said county in equal monthly installments on warrants drawn by the Judge of Probate of said County payable on the first day of each month, deputy appointed for Daviston in said County, salary shall be seven hundred twenty dollars ($720) per annum, to be paid by said Tallapoosa County out of the general funds of said county in equal monthly installments on warrants drawn by the Judge of Probate of said county payable on the first day of each month, and the deputy appointed for East Tallassee in said County, salary shall be eighteen hundred dollars ($1800) per annum to be paid by said Tallapoosa County out of the general funds of said County in equal monthly installments on warrants drawn by the Judge of Probate of said County payable on the first day of each month.

Section 3. That each of said Deputy Sheriffs before entering upon his duties as such deputy sheriff shall and take and file with the Judge of Probate of said County the oath of office required by law, and in accordance with the provisions of the Constitution of Alabama, and shall execute and file a bond with good and sufficient surity in the sum of not less than one thousand dollars and not more than three thousand dollars, the amount of same to be fixed by the sheriff, to be payable to and approved by the Sheriff of said County, and conditioned for the faithful performance and discharge of his duties as such Deputy Sheriff.

Section 4. That all laws and parts of laws in conflict with this act are hereby repealed.

State of Alabama)
Tallapoosa County)

Before me, the undersigned authority, personally appeared Thos. S. Bugg, publisher of The Dadeville Record, published at Dadeville, Tallapoosa County, Ala., who deposes and says upon oath that the attached notice An Act, To Amend Sec. 1 & 2 etc, was published for 4 consecutive weeks in said newspaper, to-wit: April 1, April 8, April 15, April 22.

THOS. S. BUGG, Publisher.

Sworn to and subscribed before me, this the 3 day of May, 1943.

CLYDE FREEMAN,
(Seal) Register Circuit Court In Equity.

Also:

By Mr. Carnley:

H. 9. To provide for the payment of witnesses before the grand juries, and state witnesses in all criminal cases, and the fees and commissions of the sheriff and clerk of the circuit court of Coffee County, Alabama, in all criminal cases where the state fails to convict, out of the general fund of said county.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF PROPOSED LOCAL ACT

Notice is hereby given that there will be introduced in the Legislature of Alabama, at the Regular Session of the Legislature to convene May 4, 1943, a bill for passage of local Act for Coffee County, Alabama, substance of the provisions thereof to be as follows:

A BILL TO BE ENTITLED AN ACT:

To provide for the payment of witnesses before the grand juries of Coffee County, Alabama; and payment of State witnesses in criminal cases where the State fails to convict; and costs, fees and commissions of the sheriff, and Circuit Clerk of Coffee County, Alabama, in all criminal cases where the State fails to convict; said witnesses, Sheriff and Circuit Clerk to be paid out of the general funds of Coffee County, Alabama. Said Act to provide the manner of payment by the Court of County Commissioners, or body of like jurisdiction, and the issuance of warrants therefor and record of such payments. Said Act further providing for separate warrant records for registration of all warrants drawn against the general funds of said County for payment of such claims; and also providing for ascertaining and certifying such claims of said witnesses and officers, and repealing all laws in conflict with the provisions of such Act.

This April 7, 1943.

J. A. CARNLEY,
a8-15-22-29 Representative of Coffee County, Alabama

STATE OF ALABAMA,
COFFEE COUNTY.

Before me, a Notary Public in and for said State and County, personally appeared R. C. Bryan, who states on oath that he is the publisher of THE ELBA CLIPPER a newspaper published weekly at Elba, Alabama, in said

County and State, and that the Notice hereto attached was published in said newspaper for a period of four consecutive weeks on the following dates to-wit: April 8, 1943; April 15, 1943; April 22, 1943; April 29, 1943.

R. C. BRYAN,
Publisher.

Sworn to and subscribed before me, on this the 3 day of May, 1943.

J. W. KENDRICK,
Notary Public.

(SEAL)

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committee as follows:

House bills 165, 140, 161 and 9 to the Committee on Local Legislation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Johnston of Mobile, Mr. Stone and Mr. Sullivan:

H. 95. To amend Section 39, Title 62, of the Code of Alabama of 1940, the same being part of an Act approved Sept. 6, 1935, and found in the Acts of Alabama, 1935, pages 772 and 773.

Also:

By Mr. Payne and Mr. Bennett of Calhoun:

H. 127. To establish an agricultural experiment branch station in the area of Alabama generally known as the Piedmont Area or Piedmont Plateau, and to appropriate sixty thousand dollars for such purposes and the additional sum of fourteen thousand nine hundred dollars annually for the maintenance and operation of said agricultural experiment branch station.

And sends same herewith without engrossment to the Senate.

R. T. Goodwyn, Jr.
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House were severally read one time and referred to appropriate standing committee as follows:

H. 95, to the Committee on Judiciary.

H. 127, to the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Sanderson:

H. 111. To amend Section 95, Title 51, Code 1940.

Also:

By Mr. Sanderson:

H. 108. To amend Section 472, Title 51, Code 1940.

Also:

By Mr. Segrest:

H. 71. To amend Section 23 of Title 34 of the Code of Alabama, 1940.

Also:

By Mr. Cobb:

H. 164. To exempt assistance grants to dependent children from levy, garnishment, attachment and all taxes.

Also:

By Mr. Chichester:

H. 57. To provide for the promotion, encouragement, development and regulation of aeronautics, air navigation aids and facilities, airmen and air craft; to provide for the survey, location, mapping and development of state airways and airway facilities; to provide for the registration and issuance of permits, and to estabish fees therefor, to operators, instructors, air craft and airmen, suspension and revocation of such permits; to provide for the encouragement of the location in the state of aeronautical industries; to provide for the operating of, and leasing of, state-owned air navigation facilities; to create a commission for the administration of this act and for the enforcement of the laws of the State of Alabama and of the rules and reglulations established by said Commission; to define and describe the powers, duties, responsibilities and privileges of said Commission; and to create a fund for the purpose of this Act.

And sends same herewith without engrossment to the Senate.

R. T. Goodwyn, Jr.
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees as follows:

House bills 111, 108 and 71, to the Committee on Judiciary.

H. 164, to the Committee on Public Welfare and Correctional Institutions.

H. 57, to the Committee on Finance and Taxation.

RESOLUTIONS

Mr. Walton offered the following Senate joint resolution, to-wit:

S. J. R. 12. BE IT RESOLVED by the Senate, the House concurring, that Senate Bill No. 21, which has passed both houses of the Legislature of Alabama, be, and the same is hereby designated as the Coburn-Bradford Bill.

And on motion of Mr. Walton, the rules were suspended and the resolution adopted.

Mr. Walton also offered the following Senate joint resolution, to-wit:

S. J. R. 13. BE IT RESOLVED by the Senate, the House concurring, that Senate Bill No. 51, which has passed both houses of the Legislature, be and the same is hereby designated and shall be known as the Bradford-Cole Bill.

And on motion of Mr. Walton, the rules were suspended and the resolution adopted by the Senate.

Mr. Toomer offered the following Senate joint resolution, to-wit:

S.J.R. 14. ENDORSING UNITED STATES SENATE RESOLUTION 114, WHICH PROVIDES FOR THE FORMING OF AN ORGANIZATION OF THE UNITED NATIONS WITH SPECIFIC AND LIMITED AUTHORITY, AND URGING PASSAGE OF SAID RESOLUTION BY THE UNITED STATES SENATE.

WHEREAS, the people of Alabama are desirous that the war be brought to a successful termination as rapidly as possible and that guarantees of enduring peace and security be provided, and

WHEREAS, the formation of an organization of the United Nations as provided in United States Senate Resolution 114 is a proper step toward attaining these ends, in that said organization

(1) will assist in the co-ordination and complete utilization of the military and economic resources of all member nations in the prosecution of the war against the Axis;

(2) will better enable the establishment of satisfactory temporary administrations for Axis-controlled areas of the world as these are occupied by United Nations forces until such time as permanent governments can be established;

(3) will further the administration of relief and assistance in economic rehabilitation in territories of member nations needing such aid and in Axis territory occupied by United Nations forces;

(4) will enable the development of procedures and machinery for peaceful settlement of dissensions and disagreements between nations; and

(5) will provide for the assemblance and maintenance of a military force and the suppression by immediate use of such force any future attempt at military agression by any nation;

THEREFORE BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES concurring, that the Legislature of Alabama does hereby approve United States Senate Resolution 114, and does urge its speedy adoption by the Senate of the United States.

BE IT FURTHER RESOLVED that copies of this resolution be sent to the President of the United States, the President of the United States Senate, the Senators from Alabama, and to each of the four Senators who joined in presenting this resolution.

And on motion of Mr. Toomer, the rules were suspended and the resolution adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Fite:

H. 79. To regulate the practice in equity cases in the matter of objection to and consideration of testimony and evidence.

Also:

By Mr. Stewart:

H. 229. To appropriate the sum of $20,348.00 out of the general fund of the State to Morgan County for the purpose of laying a water main to supply the Tuberculosis Sanitorium in Morgan County, Alabama, with water.

Also:

By Mr. Walker:

H. 138. To amend Section 318, Title 15, Code of 1940.

And sends same herewith without engrossment to the Senate.

R. T. Goodwyn, Jr.
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

House bills 79 and 138, to the Committee on Judiciary.

H. 229, to the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 26. To amend Sections 29 and 35 of Title 60 of the 1940 Code of Alabama.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills:

S. 52. To authorize the Director of Finance, the Attorney General and the Highway Director to become a corporation; to prescribe the powers of such corporation, including the power to redeem, refund and retire the indebtedness evidenced by the outstanding bonds of Alabama State Bridge Corporation and Alabama Bridge Authority, Inc., and to raise funds necessary to effect such redemption and refunding by the issuance of securities by such corporation for such purpose, which securities together with the income therefrom shall be exempt from taxation and may be used to secure deposits of funds of the State and its instrumentalities and agencies and shall not create an obligation or debt of the State and may thereafter be refunded; to authorize the Governor to convey to such corporation and such corporation to acquire the bridges and properties heretofore conveyed to the state by said Alabama State Bridge Corporation and Alabama Bridge Authority, Inc., and all rights which the State and said Alabama Bridge Authority, Inc., may have to call said outstanding bonds for redemption; to make an appropriation and pledge of funds necessary to pay the principal of and interest on the securities assumed and

issued by such corporation; to authorize such corporation to pledge such funds and to mortgage its bridge and properties for payment of the principal of and interest on its securities and to limit the scope of any such mortgage to the appointment of a receiver for the collection of tolls in the event of default and so as to prohibit any foreclosure thereof; to authorize and direct the State Treasurer to disburse such funds and to maintain appropriate records pertaining thereto; to provide for the continued maintenance and operation of such bridges and properties free of tolls as a part of the highway system of the state so long as there shall be no default in the securities of the corporation; and to provide for the reconveyance to the state of said bridges and properties upon full payment of all securities assumed and issued by such corporation.

Also:

S. 54. To amend Sections 380, 381 and 382 of Title 55 of the Code of Alabama of 1940.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Smyer:

H. J. R. 11. Be it resolved by the House of Representatives, the Senate concurring, that Senate Bills 52 and 54, by Mr. Carlton, be known as the Carlton, Chichester, Porter (of Choctaw) and High Bills.

And sends same herewith to the Senate for its consideration.

R. T. Goodwyn, Jr.
Clerk.

HOUSE MESSAGE

The resolution, H. J. R. 11, set out in the foregoing Message from the House, on motion of Mr. Carlton, the rules were suspended and said resolution adopted by the Senate.

BILLS ON THIRD READING

S. 57. To promote the agricultural interests of the State of Alabama by providing for the inspection, grading, standardization, classification, refrigeration, dehydration (for both food and feed), canning, packing, processing, cold storage, and marketing of agricultural products, including all staple food crops, fruits, vegetables, poultry, dairy products, fish, and kindred products; and for such purposes to create a public board, to be known as the Alabama State Markets Board, to provide for the acquisition, equipment, operation, and maintenance of a public market or markets; to define the duties, powers, and authority of said board; and to appropriate public funds for such purposes.

As amended, on the 8th Day by Committee amendment and Kilborn amendment, was taken up:

Mr. Cobb moved that the Senate do now consider his motion, carried over from yesterday, to reconsider the vote by which the Kilborn amendment, to the bill, was adopted, to-wit:

Amend Section 1 line 15 by striking the words and figures twenty-five ($25.00) dollars and substituting in lieu thereof the words and figures "Ten ($10.00) dollars"

And the Senate did reconsider the vote by which the Kilborn amendment, to the bill, was adopted.

Yeas, 23; Nays, 5.

Yeas:

Messrs.:	Cobb	Kilborn	Shaver
Benson	Dodson	Madison	Sherrer
Black	Espy	Newton	Simpson
Bradford	Garrett	Pinson	Smith
Brown	Goodwin	St. John (Cullman)	Toomer
Carlton	High	St. John (Lawrence)	Walton

—23

Nays: Messrs.: Bentley, Hill, Hornsby, Lawson and McCary —5

And on motion of Mr. Kilborn, said amendment was laid on the table.

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:	Cater	Hill	St. John (Cullman)	
Benson	Cobb	Hornsby	St. John (Lawrence)	
Bentley	Dodson	Kilborn	Simpson	
Black	Espy	Lawson	Smith	
Bradford	Garrett	McCary	Toomer	
Brown	Goodwin	Newton	Walton	
Carlton	High	Pinson		—26

Nays: —0

The bill:

S. 172. To repeal an act entitled, "An act to abolish the office of County Solicitor of Coost County, Alabama, and to create in lieu thereof the office of County Attorney; to define the qualifications and duties of County Attorney of Coosa County, Alabama; to provide for his election or appointment; to provide for the salary of the County Attorney and the manner of paying the same; to prescribe his term of office and for his removal from office and for the filling of the vacancy in said office," Approved October 27th, 1932.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:	Cater	Hornsby	Shaver	
Bentley	Cobb	Kilborn	Sherrer	
Black	Dodson	Lawson	Simpson	
Bradford	Garrett	Madison	Smith	
Brown	High	McCary	Walton	
Carlton	Hill	Pinson		—22

Nays: —0

The bill:

S. 59. To propose an amendment to the Constitution of Alabama making public education an essential function of State Government, and to order an election for the qualified voters of the State of Alabama upon such proposed amendment to be held at the next general election held after the final adjournment of the present session of the Legislature at which this amendment is proposed and to provide for the manner of holding said election.

Was taken up.

Mr. Kilborn offered the following amendment, to the bill, to-wit:

Amend S. B. 59 by striking therefrom lines 9 through 11 of Section one and lines 9 through 11 of section three of the printed bill.

And on motion of Mr. Henderson, said amendment was laid on the table.

Yeas, 15; Nays, 11.

Yeas:

Messrs.:	Brown	High	Simpson
Benson	Espy	Madison	Smith
Bentley	Goodwin	McCary	Toomer
Bradford	Henderson	St. John (Lawrence)	Walton

—15

Nays:

Messrs.:	Cater	Kilborn	St. John (Cullman)
Black	Cobb	Lawson	Shaver
Carlton	Hill	Pinson	Sherrer

—11

Mr. Simpson offered the following amendment, to the bill, to-wit:

Amend S. B. 59 as follows:

Strike the words "from the general fund of the State" from line 9 and strike the words "and shall be paid on parity with all other appropriations from the general Fund" from lines 10 and 11 and strike the words "from the general fund of the State" from line 9 page 2 and strike the words "and shall be paid on parity with all other appropriations from the General Fund" from lines 10 and 11 page 2 of the printed copy of the bill.

On motion of Mr. Henderson, further consideration of the bill, S. 59, and pending amendment by Simpson, was postponed until the 16th day.

The bill:

S. 128. To allow the Sheriff of Lauderdale County, Alabama, an additional deputy sheriff to that provided by law; to fix the salary of said deputy and to make the same payable out of the General Funds of Lauderdale County in monthly installments.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:	Cater	Hornsby	Shaver	
Bentley	Cobb	Kilborn	Sherrer	
Black	Dodson	Lawson	Simpson	
Bradford	Garrett	Madison	Smith	
Brown	High	McCary	Walton	
Carlton	Hill	Pinson		—22

Nays: —0

The bill:

S. 91. To require additional duties of the Clerk of the Circuit Court of Mobile County, Alabama, by requiring said Clerk to keep a separate docket in his office available to public inspection at any and all times the said Clerk's office is open for business, in which said Clerk shall enter any and all orders made by said Court suspending the execution of sentences except in those cases in which the Court has ordered the case placed on the probation docket; to prescribe the information that shall be shown in said docket in regard to any defendant whose sentence has been suspended, ending good behavior, and further to provide for additional compensation for such additional duties of said Clerk.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:	Cater	Hornsby	Shaver	
Bentley	Cobb	Kilborn	Sherrer	
Black	Dodson	Lawson	Simpson	
Bradford	Garrett	Madison	Smith	
Brown	High	McCary	Walton	
Carlton	Hill	Pinson		—22

Nays: —0

The bill:

S. 148. To fix the salary of Deputy Solicitor for Calhoun County, Alabama, at twenty-four hundred dollars per year, and to provide for the payment thereof.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:	Cater	Hornsby	Shaver	
Bentley	Cobb	Kilborn	Sherrer	
Black	Dodson	Lawson	Simpson	
Bradford	Garrett	Madison	Smith	
Brown	High	McCary	Walton	
Carlton	Hill	Pinson		—22

Nays: —0

The bill:

S. 93. To authorize and emower the Commissioners Court of Coosa County, Alabama, to maintain, work and keep up all county roads which lead into and through the corporate limits of all municipal corporations in Coosa County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:	Cater	Hornsby	Shaver	
Bentley	Cobb	Kilborn	Sherrer	
Black	Dodson	Lawson	Simpson	
Bradford	Garrett	Madison	Smith	
Brown	High	McCary	Walton	
Carlton	Hill	Pinson		—22

Nays: —0

The bill:

H. 92. To relieve the Tax Assessor of Mobile County, Alabama, from the duty of preparing a book of assessments, and in lieu thereof to arrange in alphabetical order the original assessment lists and have same permanently bound and kept as a permanent record and prepare tax collector's abstracts from such assessment lists.

Was read a third time at length and passed.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:	Cater	Hornsby	Shaver	
Bentley	Cobb	Kilborn	Sherrer	
Black	Dodson	Lawson	Simpson	
Bradford	Garrett	Madison	Smith	
Brown	High	McCary	Walton	
Carlton	Hill	Pinson		—22

Nays: —0

The bill:

H. 103. To amend section 55 of title 62 of the Code of Alabama of 1940.

Was read a third time at length and passed.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:	Cater	Hornsby	Shaver	
Bentley	Cobb	Kilborn	Sherrer	
Black	Dodson	Lawson	Simpson	
Bradford	Garrett	Madison	Smith	
Brown	High	McCary	Walton	
Carlton	Hill	Pinson		—22

Nays: —0

The bill:

H. 73. To further regulate the County Court of Marion County, Alabama; to define its jurisdiction and powers; to provide for a judge of said Court and for his election, and to prescribe his term of office, powers, jurisdiction, duties and compensation; to make said Court a court of record, and to provide that said Court shall be open at all times for the trial of cases and the transaction of business; and to prescribe rules and procedure for said Court.

Was read a third time at length and passed.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:	Cater	Hornsby	Shaver	
Bentley	Cobb	Kilborn	Sherrer	
Black	Dodson	Lawson	Simpson	
Bradford	Garrett	Madison	Smith	
Brown	High	McCary	Walton	
Carlton	Hill	Pinson		—22

Nays: —0

The bill:

H. 64. To provide for the election of a County Superintended of Education for Lamar County, Alabama, by the qualified electors thereof, to fix the term of office, to prescribe the duties and qualifications, to fix the salary and expense allowance, to outline the duties and powers, to provide for the filling of vacancies, to repeal all laws in confict herewith and to fix the effective date of this act·

Was read a third time at length and passed.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:	Cater	Hornsby	Shaver	
Bentley	Cobb	Kilborn	Sherrer	
Black	Dodson	Lawson	Simpson	
Bradford	Garrett	Madison	Smith	
Brown	High	Newton	Walton	
Carlton	Hill	Pinson		—22

Nays: —0

The bill:

H. 84. To abolish the office of Deputy Solicitor of Marion County, and to create in lieu thereof the office of County Solicitor of Marion County; to provide for said County Solicitor and for his election; and prescribe his term of office, powers, duties, jurisdiction and compensation.

Was read a third time at length and passed.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:	Cater	Hornsby	Shaver	
Bentley	Cobb	Kilborn	Sherrer	
Black	Dodson	Lawson	Simpson	
Bradford	Garrett	Madison	Smith	
Brown	High	McCary	Walton	
Carlton	Hill	Pinson		—22

Nays: —0

ORDER TO PRINT

500 Copies of the Bill:

Senate Bill 197 by Mr. Sherrer.

Were ordered printed for use of the Senate.

CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Bradford, further consideration of the bill:

S. 49. To amend Sections 20, 22, 26, and 30 of Title 49 of the 1940 Code of Alabama.

Was indefinitely postponed by the Senate.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Ninth day and finds same correct and containing all original entries and references thereto required by the Constitution.

Jim Smith, Jr.,
Chairman.

COMMITTEE REPORT

On motion of Mr. Smith, the foregoing report was concurred in and the Journal of the Senate for the Ninth day approved by the Senate.

ADJOURNMENT

At 12:55 P. M., on motion of Mr. Kilborn, the Senate adjourned until tomorrow, Friday May 14, 1943, at 10 A. M.

ELEVENTH DAY

Friday, May 14, 1943.

The Senate met pursuant to adjournment, Lieutenant Governor Ellis, presiding.

PRAYER

The session was opened with Prayer by Dr. O. P. Spiegel, of the Cloverdale Christian Church, Montgomery.

ROLL CALL

Present:

Messrs.:	Cobb	Jones	St. John (Lawrence)
Benson	Dodson	Kilborn	Shaver
Bentley	Espy	Lawson	Sherrer
Black	Garrett	Madison	Simpson
Bradford	Henderson	McCary	Smith
Brown	High	Newton	Taylor
Carlton	Hill	Pinson	Toomer
Cater	Hornsby	St. John (Cullman)	Walton

—31

JOURNAL

On motion of Mr. Carlton, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Pinson, leave of absence was granted Mr. Goodwin for today.

REPORT ON COMMITTE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 26. To amend Sections 29 and 35 of Title 60 of the 1940 Code of Alabama.

S. 54. To amend Sections 380, 381 and 382 of Title 55 of the Code of Alabama of 1940.

S. 52. To authorize the Director of Finance, the Attorney General and the Highway Director to become a corporation; to prescribe the powers of such corporation, including the power to redeem, refund and retire the indebtedness evidenced by the outstanding bonds of Alabama State Bridge Corporation and Alabama Bridge Authority, Inc., and to raise funds necessary to effect such redemption and refunding by the issuance by such corporation for such purpose, which securities together with the income therefrom shall be exempt from taxation and may be used to secure deposits of funds of the State and its instrumentalities and agencies and shall not create an obligation or debt of the State and may thereafter be refunded; to authorize the Governor to convey to such corporation and such corporation to acquire the bridges and properties heretofore conveyed to the state by said Alabama State Bridge Corporation and said Alabama Bridge Authority, Inc., may have to call said outstanding bonds for redemption; to make an appropriation and pledge of funds necessary to pay the principal of and interest on the securities assumed and issued by such corporation; to authorize such corporation to pledge such funds and to mortgage its bridges and properties for payment of the principal of and interest on its securities and to limit the scope of any such mortgage to the appointment of a receiver

for the collection of tolls in the event of default and so as to prohibit any foreclosure thereof; to authorize and direct the State Treasurer to disburse such funds and to maintain appropriate records pertaining thereto; to provide for the continued maintenance and operation of such bridges and properties free of tolls as a part of the highway system of the state so long as there shall be no default in the securities of the corporation; and to provide for the reconveyance to the state of said bridges and properties upon full payment of all securities assumed and issued by such corporation.

Sam High,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensd with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 64. To provide for the election of a County Superintended of Education for Lamar County, Alabama, by the qualified electors thereof, to fix the term of office, to prescribe the duties and qualifications, to fix the salary and expense allowance, to outline the duties and powers, to provide for the filling of vacancies, to repeal all laws in conflict herewith and to fix the effective date of this act.

Also:

H. 73. To further regulate the County Court of Marion County, Alabama; to define its jurisdiction and powers; to provide for a judge of said Court and for his election, and to prescribe his term of office, powers, jurisdiction, duties and compensation; to make said Court a court of record, and to provide that said Court shall be open at all times for the trial of cases and the transaction of business; and to prescribe rules and procedure for said Court.

Also:

H. 84. To abolish the office of Deputy Solicitor of Marion County, and to create in lieu thereof the office of County Solicitor of Marion County; to provide for said County Solicitor and for his election; and prescribe his term of office, powers, duties, jurisdiction and compensation.

Also:

H. 92. To relieve the Tax Assessor of Mobile County, Alabama, from the duty of preparing a book of assessments, and in lieu thereof to arrange in alphabetical order the original assessment lists and have same permanently bound and kept as a permanent record and prepare tax collector's abstracts from such assessment lists.

Also:

H. 103. To amend section 55 of title 62 of the Code of Alabama of 1940.

R. T. Goodwyn, Jr.,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensd with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Kilborn:

S. 198. To repeal Section 163, of Title 5, Code of Alabama, 1940.

Committee on Judiciary.

By Mr. Garrett:

S. 199. To regulate the sale or bartering of eggs; to define a dealer; and to prescribe a fee for engaging in such business.

Committee on Agriculture.

By Mr. Garrett:

S. 200. To amend Section 24 of Title 2 of the 1940 Code of Alabama.

Committee on Agriculture.

By Mr. Garrett:

S. 201. To provide that the State Department of Agriculture and Industries shall conduct a program in accordance with the National Poultry Improvement Plan and to provide for the acceptance of fees for services rendered.

Committee on Agriculture.

By Mr. Garrett:

S. 202. To regulate the sale of eggs; to give the State Board of Agriculture and Industries authority to make rules and regulations governing same; to provide penalties for the violation of this Act and rules and regulations adopted pursuant thereto; and to repeal Section 274 through 281, Title 2, Article 15, 1940 Code of Alabama, and all laws or parts of laws in conflict herewith.

Committee on Agriculture.

By Mr. Taylor:

S. 203. To amend Section 68 of Title 35 of the Code of Alabama of 1940.

Committee on Judiciary.

REPORTS OF COMMITTEES

Mr. Shaver, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Walton (with amendment):

S. 14. Toexempt the gross proceeds of the sale of agricultural publications published in Alabama from computation of the amount of the sales tax levied, assessed, or payable under the laws of Alabama.

By Mr. Taylor (with amendment):

S. 33. To amend Section 852 of Title 51 of the Code of Alabama 1940 pertaining to the exemption of disabled veterans from the payment of certain licenses.

By Mr. Cater (with amendment):
S. 81. To amend Section 87, Title 36, Code of 1940.

By Mr. Madison:
S. 104. To repeal Sections 233 and 234 of Title 13 of the 1940 Code.

By Mr. Simpson (with amendment):
S. 136. To amend Section 3 of Title 30 of Code of 1940.

By Mr. Pinson:
S. 163. To fix the term of office of Tax Assessors and to provide for their election.

By Mr. Pinson:
S. 164. To fix the term of office of Tax Collectors, and to provide for their election.

By Mr. Simpson (with amendment):
S. 166. To limit the time within which suits may be brought in the courts of this State for the recovery of wages, overtime, damages fees or penalties oaccruing under laws respecting the payment of wages and overtime, and specifically under the Act of Congress designated as the Fair Labor Standards Act of 1938 and similar laws.

Mr. Simpson, Chairman of the Standing Committee on Finance and Taxation reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Jones (with amendment):
S. 35. To create and establish a four year medical school in the State of Alabama to be known as "The Medical College of Alabama", a school of medicine of the University of Alabama; to provide for its location, building, equipment, organization, operation, maintenance, ownership, management and control; and to make appropriations therefor from the General Fund and from the Special Educational Trust Fund.

By Mr. Stewart:
H. 229. To appropriate the sum of $20,348.00 out of the general fund of the State to Morgan County for the purpose of laying a water main to supply the Tuberculosis Sanitorium in Morgan County, Alabama, with water.

By Mr. Pinson:

S. 25. To provide for the presentation and payment of all outstanding checks or warrants drawn against the Alabama Relief Administration or any account available for its use and the appropriation to the State Department of Public Welfare for public welfare purposes of such funds as are not claimed within six months from the passage of this Act.

By Mr. Kilborn:

S. 142. To provide that the amount of $68,256.58 remaining after the payment of expenses and costs of administration of House Bill No. 67, approved February 28, 1939, now in the State Treasury to the credit of the Use Tax Special Fund, be transferred to the General Fund.

Mr. Cobb, Chairman of the Standing Committee on Local Legislation reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and paced on the calendar, to-wit:

By Mr. St. John (Cullman) (with notice and proof):

S. 195. To amend Section Two of an Act approved March 15, 1939, entitled "An Act to allow the Sheriff of Cullman County, Alabama, an additional deputy; to provide for his appointment, qualification by giving bond; to hold office at the pleasure of said Sheriff; to fix his compensation; and to provide for payment thereof out of the general fund of the County; and to provide for the appointment of his successor where such Deputy is removed, dies or resigns."

By Mr. St. John (Cullman) (with notice and proof):

S. 196. To prescribe the salary and the manner of payment of the same, of the Chief Deputy Sheriff for Cullman County, Alabama.

By Mr. Carnley (with notice and proof):

H. 9. To provide for the payment of witnesses before the grand juries, and state witnesses in all criminal cases, and the fees and commissions of the sheriff and clerk of the circuit court of Coffee County, Alabama, in all criminal cases where the state fails to convict, out of the general fund of said county.

By Mr. Bennett (Calhoun) (with notice and proof):

H. 165. To provide for clerical assistants, and other expenses of the offices of the Judge of Probate, Tax Collector, and Tax Assessor of Calhoun County, and to provide for the payment of

the salaries of clerks, deputies, and clerical assistants in said officers out of the County Treasury of Calhoun County.

By Mr. McDonald (with notice and proof):

H. 140. To provide for the election of a County Superintendent of Education for Coosa County, Alabama, by the qualified voters of said County; to provide the duties and fix the term of office and compensation and qualifications of such officer, and to provide for the selection and expenses of clerical help for said office and other expenses incident thereto.

By Messrs. Duffee and Jackson (with notice and proof):

H. 161. To amend Sections 1 and 2 of an Act approved September 9, 1935, entitled an act. To amend Sections 1 and 2 of an act approved July 17, 1931, entitled an act. To provide and require the sheriff of Tallapoosa County, Alabama, shall appoint and maintain a regular Deputy Sheriff at each of the following places in said county, to-wit: Alexander City, Dadeville, Daviston, and East Tallassee. To prescribe the duties of such deputies and to provide for their compensation and the payment thereof by said county, and to fix the amount of such compensation.

Mr. Hill, Vice-Chairman of the Standing Committee on Public Roads and Highways reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Henderson (with amendment):

S. 105. To amend Section 89, Article 2, Title 36 of the 1940 Code of Alabama.

Mr. Shaver, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with an adverse report, and they were severally read a second time and placed on the adverse calendar, to-wit:

By Mr. Walton:

S. 13. To repeal Sections 5, 6, 7, 8, 9, 10 and 11 of Title 17 of the Code of Alabama 1940.

By Mr. Walton:

S. 12. To repeal Sections 417, 418, 419, 420, 421, 422, 423 and 424 of Title 17 of the Code of Alabama, 1940.

By Mr. Walton:

S. 11. To repeal Sections 57, 58, 59, 60, 61, 62, 63 and 64 of Title 17 of the Code of Alabama, 1940.

RESOLUTION

The Rules Committee offered the following Senate joint resolution, to-wit:

S. J. R. 15. BE IT RESOLVED BY THE SENATE, THE House concurring that when the two houses adjourn today, they adjourn to meet on Tuesday morning, May the 18th, 1943.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate joint resolutions:

By Mr. Walton:

S. J. R. 12. BE IT RESOLVED by the Senate, the House concurring, that House Bill #21, which has passed both Houses of the Legislature of Alabama, be, and the same is, hereby designated as the Coburn-Bradford Bill.

Also:

By Mr. Walton:

S. J. R. 13. BE IT RESOLVED by the Senate, the House concurring, that Senate Bill #51, which has passed both houses of the Legislature, by and the same is hereby designated and shall be known as the Bradford-Cole Bill.

Also:

By Mr. Toomer:

S. J. R. #14. ENDORSING UNITED STATES SENATE RESOLUTION 114, WHICH PROVIDES FOR THE FORMING OF AN ORGANIZATION OF THE UNITED NATIONS WITH SPECIFIC AND LIMITED AUTHORITY, AND URGING PASSAGE OF SAID RESOLUTION BY THE UNITED STATES SENATE.

Whereas, the people of Alabama are desirious that the war be brought to a successful termination as rapidly as possible and that guarantees of enduring peace and security be provided, and

WHEREAS, the formation of an organization of the United Nations as provided in United States Senate Resolution 114 is a

proper step toward attaining these ends, in that said organization

(1) will assist in the co-ordination and complete utilization of the military and economic resources of all member nations in the prosecution of the war against the Axis:

(2) will better enable the establishment of satisfactory temporary administrations for Axis-controlled areas of the world as these are occupied by United Nations forces until such time as permanent governments can be established;

(3) will further the administration of relief and assistance in economic rehabilitation in territories of member nations needing such aid and in Axis territory occupied by United Nations forces;

(4) will enable the development of procedures and machinery for peaceful settlement of dissensions and disagreements between nations; and

(5) will provide for the assemblance and maintenance of a military force and the suppression by immediate use of such force any future attempt at military aggression by any nation;

THEREFORE BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES concurring, that the Legislature of Alabama does hereby approve United States Resolution 114, and does urge its speedy adoption by the Senate of the United States.

BE IT FURTHER RESOLVED that copies of this resolution be sent to the President of the United States, the President of the United States Senate, the Senators from Alabama, and to each of the four Senators who joined in presenting this resolution.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate joint resolutions:

By Rules Committee:

S. J. R. 15. BE IT RESOLVED BY THE SENATE, THE House concurring, that when the two houses adjourn today, they adjourn to meet on Tuesday morning, May the 18th, 1943."

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,
Clerk.

ORDER TO PRINT

500 copies of the bills:

S. 35 and S. 188.
Were ordered printed for the use of the Senate.

BILLS ON THIRD READING

The bill:
H. 104. To amend section 55 of Title 62 of the Code of Alabama of 1940.

Was taken up.

The Standing Committee on Judiciary offered the following amendment to the bill, to-wit:

Amend H. B. 104 by striking therefrom Section 2 thereof.

Which was adopted.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:	Cobb	Jones	St. John (Lawrence)	
Benson	Espy	Kilborn	Sherrer	
Bentley	Garrett	Madison	Simpson	
Bradford	Henderson	McCary	Taylor	
Brown	Hill	Newton	Toomer	
Cater	Hornsby	St. John (Cullman)		—22

Nays: —0

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:	Cobb	Jones	St. John (Lawrence)	
Benson	Espy	Kilborn	Sherrer	
Bentley	Garrett	Madison	Simpson	
Bradford	Henderson	McCary	Taylor	
Brown	Hill	Newton	Toomer	
Cater	Hornsby	St. John (Cullman)		—22

Nays: —0

The bill:
H. 122. To require the County Commission of Russell County, Alabama, to remove all records of the Circuit Clerk, the Sheriff,

Tax Assessor, Tax Collector and Judge of Probate from the Branch Courthouse at Seale, Alabama to the Courthouse at Phenix City, Alabama, and to provide for all functions of County Government to be held at Phenix City, Russell County, Alabama.

Was read a third time at length and passed.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:	Cobb	Jones	St. John (Lawrence)	
Benson	Espy	Kilborn	Sherrer	
Bentley	Garrett	Madison	Simpson	
Bradford	Henderson	McCary	Taylor	
Brown	Hill	Newton	Toomer	
Cater	Hornsby	St. John (Cullman)		—22

Nays: —0

The bill:

H. 123. TO REPEAL AN ACT ENTITLED "AN ACT to establish an additional or branch court house at Phenix City, in Russell County, Alabama; to divide the county into Northern and Southern division for such circuit court and to fix the boundary line between the two; To provide for the manner and form of the process for causes to be heard in the different divisions; to require certain officers of the county to keep an office at such branch court house; to fix the duties and compensation for such officers; to provide for grand and petit juries; to fix the jurisdiction and venue of each division of both civil and criminal cases and to provide for the removal of such cases from one division to the other; to provide for the method of appeal from inferior courts to the respective divisions of the Circuit Court; to fix requirements as to the confinement of prisoners in the county jail; to provide for the jury and non-jury terms of circuit court in said divisions; to fix the method of determining said terms; To provide for regular and special meetings of the Board of Revenue of said County in each division; to declare and fix the duties of the Judge of Probate with reference to said branch office and the two divisions; to provide for the penalty for failure to comply with his duty and to fix compensation therefor; to provide for the holding of county court in each division and the jurisdiction of cases as to the said divisions; to provide for the appointment of a deputy clerk and fix his compensation; to require Phoenix City, in Russell County, Alabama, to furnish quarters for the said county officers, safekeeping of the records thereof and for the furnishing of said offices with furniture, fixtures, equipment, etc; To provide for the furnishing of books and stationery by the County; to fix the method and time by which

said Act shall be and be declared to be operate and effective, and the time within which the first term of the circuit court shall be held in said Nothern division; to fix the duties and provide the compensation of the tax collector and tax assessor with reference to said branch or additional court house and division." Approved August 11, 1927.

Was read a third time at length and passed.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:	Cobb	Jones	St. John (Lawrence)	
Benson	Espy	Kilborn	Sherrer	
Bentley	Garrett	Madison	Simpson	
Bradford	Henderson	McCary	Taylor	
Brown	Hill	Newton	Toomer	
Cater	Hornsby	St. John (Cullman)		—22

Nays: —0

The bill:

H. 120. To authorize the Tax Assessor and Tax Collector of Russell County, Alabama, to each appoint a deputy tax assessor and Tax Collector; and to fix the salary of such deputy tax collector of Russell County, Alabama and deputy tax assessor of Russell County, Alabama and to provide the method of appointment of such deputy tax assessor and deputy tax collector and to provide the method of payment of their salary and to require a bond of such deputy tax assessor and deputy collector.

Was read a third time at length and passed.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:	Cobb	Jones	St. John (Lawrence)	
Benson	Espy	Kilborn	Sherrer	
Bentley	Garrett	Madison	Simpson	
Bradford	Henderson	McCary	Taylor	
Brown	Hill	Newton	Toomer	
Cater	Hornsby	St. John (Cullman)		—22

Nays: —0

The bill:

S. 183. To Amend the caption and section three (3) of an act entitled "An Act to abolish the office of county treasurer of Dallas County and to require the tax collector and other officers of Dallas County to deposit funds belonging to the county in the City National Bank of Selma and the Selma Savings Bank, to the

credit of the county and subject to the order of the court of county revenues," approved Feb. 8th, 1877, so as to make it read as follows:

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:	Cobb	Jones	St. John (Lawrence)
Benson	Espy	Kilborn	Sherrer
Bentley	Garrett	Madison	Simpson
Bradford	Henderson	McCary	Taylor
Brown	Hill	Newton	Toomer
Cater	Hornsby	St. John (Cullman)	—22

Nays: —0

The bill:

S. 182. To authorize and empower The Court of County Revenues of Dallas County, Alabama, to expend County Funds not exceeding $12,000.00 per annum for purposes not otherwise provided for by law.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:	Cobb	Jones	St. John (Lawrence)
Benson	Espy	Kilborn	Sherrer
Bentley	Garrett	Madison	Simpson
Bradford	Henderson	McCary	Taylor
Brown	Hill	Newton	Toomer
Cater	Hornsby	St. John (Cullman)	—22

Nays: —0

The bill:

S. 184. To authorize The Court of County Revenues of Dallas County, Alabama to pass upon, allow and pay the claim of H. Bennett Pickering for medical services, nurses, drugs, and hospitalization rendered to him on account of injuries received by him while performing the duties of deputy sheriff.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:	Cobb	Jones	St. John (Lawrence)	
Benson	Espy	Kilborn	Sherrer	
Bentley	Garrett	Madison	Simpson	
Bradford	Henderson	McCary	Taylor	
Brown	Hill	Newton	Toomer	
Cater	Hornsby	St. John (Cullman)		—22

Nays: —0

The bill:

S. 185. To fix, regulate and alter the employment allowances, and compensation of employees in the offices of Probate Judge, Tax Collector, Tax Assessor, Clerk of the Circuit Court and Register in Chancery of Dallas County as provided in Article XLVI of the Constitution of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:	Cobb	Jones	St. John (Lawrence)	
Benson	Espy	Kilborn	Sherrer	
Bentley	Garrett	Madison	Simpson	
Bradford	Henderson	McCary	Taylor	
Brown	Hill	Newton	Toomer	
Cater	Hornsby	St. John (Cullman)		—22

Nays: —0

The bill:

S. 40. To provide for the examination of persons suspected of having a venereal disease or having been exposed to a venereal disease.

Was takn up, and orderd to its engrossment and third reading.

Mr. McCary moved that the Senate reconsider the motion by which the bill was ordered to its engrossment and third reading.

And on motion of Mr. Kilborn, the motion of Mr. McCary, was laid on the table.

Yeas, 26; Nays, 4.

Yeas:

Messrs.:	Bradford	Cater	Garrett
Benson	Brown	Dodson	Henderson
Bentley	Carlton	Espy	High

Hornsby	Newton	Shaver	Taylor	
Jones	Pinson	Sherrer	Toomer	
Kilborn	St. John (Cullman)	Simpson	Walton	
Lawson	St. John (Lawrence)	Smith		—26

Nays: Messrs.: Cobb, Hill, Madison and McCary —4

Mr. Madison moved to postpone further consideration of the bill until the 16th Legislative Day.

On motion of Mr. Walton, the motion of Mr. Madison was laid on the table.

Yeas, 26; Nays, 4.

Yeas:

Messrs.:	Dodson	Kilborn	Sherrer	
Benson	Espy	Lawson	Simpson	
Bentley	Garrett	Newton	Smith	
Black	Henderson	Pinson	Taylor	
Bradford	High	St. John (Cullman)	Toomer	
Carlton	Hornsby	St. John (Lawrence)	Walton	
Cater	Jones	Shaver		—26

Nays: Messrs.: Cobb, Hill, Madison and McCary —4

And said bill was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:	Dodson	Kilborn	Shaver	
Benson	Espy	Lawson	Sherrer	
Bentley	Garrett	Madison	Simpson	
Black	Henderson	Newton	Smith	
Bradford	High	Pinson	Taylor	
Brown	Hill	St. John (Cullman)	Toomer	
Carlton	Jones	St. John (Lawrence)	Walton	
Cater				—28

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill:

By Mr. Carlton:

S. 53. To amend Sections 656 and 657 of Title 51 of the Code of Alabama of 1940.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

On motion of Mr. Carlton, the Senate concurred in the following House amendment to the bill, S. 53, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO SENATE BILL NO. 53

Amend Senate Bill No. 53 by adding at the end of Section 2 thereof immediately following the word "Alabama" the following: Notwithstanding anything in this Section to the contrary, after costs of collection as hereinabove in this Section provided for there shall be deducted monthly from the said one-half of one-third paid into the treasury of the State to the credit of the highway department for the public road and bridge fund, the sum of five thousand two hundred and ten dollars before any distribution of such proceeds in accordance with the foregoing provisions of this Section, and only the balance of such proceeds, after such costs of collection and such deduction of five thousand two hundred and ten dollars, shall be subject to distribution in accordance with the scheme of distribution hereinabove in this Section provided. The said monthly deduction of five thousand two hundred and ten dollars shall be set aside in a fund to the credit of the several cities and towns in the State in-corporated prior to January 1, 1943, and said fund shall be semi-annually apportioned among, and paid to, the incorporated cities and towns in the State on the basis of the ratio of the population of each such city or town to the total population of all such cities and towns, according to the then last federal census. All moneys received by municipalities under this Section shall be used exclusively for the construction, improvement and maintenance of highways or streets and administrative expenses in connection therewith, including the retirement of bonds for the payment of which such revenues may have been pledged, and for no other purposes.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:	Cobb	Kilborn	Sherrer	
Bentley	Dodson	Lawson	Simpson	
Black	Espy	Madison	Smith	
Bradford	Garrett	Pinson	Taylor	
Brown	High	St. John (Cullman)	Toomer	
Carlton	Hill	Shaver	Walton	
Cater	Hornsby			—25

Nays: —0

And said bill, as thus amended, was again read a third time at length and passed.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:	Cobb	Kilborn	St. John (Lawrence)
Benson	Dodson	Lawson	Shaver
Bentley	Espy	Madison	Sherrer
Black	Garrett	McCary	Simpson
Bradford	High	Pinson	Taylor
Carlton	Hornsby	St. John (Cullman)	Toomer
Cater			—24

Nays: —0

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the tenth day and finds same correct and containing all original entries and references thereto required by the Constitution.

Jim Smith, Jr.,
Chairman.

COMMITTEE REPORT

On motion of Mr. Smith, the foregoing report was concurred in and the Journal of the Senate for the tenth day approved by the Senate.

ADJOURNMENT

At 11:35 A. M., on motion of Mr. St. John (Cullman), and in accordance with joint resolution heretofore adopted, the Senate adjourned until Tuesday, May 18, 1943, at ten A. M.

FIFTEENTH DAY

(The Senate was not in session on the Twelfth, Thirteenth or Fourteenth days)

Tuesday, May 18, 1943

The Senate met pursuant to adjournment, President Pro-Tem., Mr. Simpson, presiding.

PRAYER

The session was opened with Prayer by Rev. W. W. Jeffries, of the Forest Avenue Methodist Church, Montgomery.

ROLL CALL

Present:

Messrs.:	Dodson	Jones	St. John (Lawrence)
Benson	Espy	Kilborn	Shaver
Bentley	Garrett	Lawson	Sherrer
Black	Goodwin	Madison	Simpson
Bradford	Henderson	McCary	Smith
Brown	High	Newton	Taylor
Carlton	Hill	Pinson	Toomer
Cater	Hornsby	St. John (Cullman)	Walton
Cobb			

—32

JOURNAL

On motion of Mr. Carlton, the reading of the Journal of the Eleventh Day was dispensed with and same aproved by the Senate.

CERTIFICATE OF ELECTION

1, Howell Turner, Secretary of State, in accordance with the provisions of Title 17, Section 205 of the Code of Alabama of 1940, do hereby certify that as shown by the returns of Election on file in this office, Richard B. Kelly, Jr. was elected State Senator from the Eighth Senatorial District at the Special Election held in this State on Tuesday, the 11th day of May, 1943.

Witness my hand this 14th day of May 1943.

HOWELL TURNER,
Secretary of State.

(Seal)

OATH OF OFFICE

Mr. Kelly offered the following:

OATH OF OFFICE

THE STATE OF ALABAMA,
MONTGOMERY, ALABAMA.

I, Richard B. Kelly, Jr., do solemnly swear that I will support the Constitution of the United States and Constitution of the State of Alabama, so long as I continue a citizen thereof, and that I will faithfully and honesly discharge the duties of the office upon which I am about to enter to the best of my ability. So help me God.

I do further swear that I have not directly nor indirectly given, accepted, nor knowingly carried a challenge in writing or otherwise, to any person being a citizen of this State to fight with deadly weapons whether in or out of this State; nor aided, nor abetted in the same since I have been a citizen thereof; and that I will not directly, nor indirectly give, accept nor knowingly carry a challenge to any person being a citizen of this State to fight with deadly weapons, either in or out of this State, nor in any manner aid or abet the same during my continuance in office. So help me God.

RICHARD B. KELLY, JR.,

Sworn to and subscribed before me this 14th day of May, 1943.

VIRGIL BOULDIN,
Associate Justice Supreme Court of Alabama.

Which was read and ordered spread upon the Journal.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following Senate joint resolution with the original Senate joint resolution, respectively, and finds same correctly enrolled, to-wit:

S J R: 14: Relative to forming an organization of the United Nations in the prosecution of the war against the Axis.

Sam High,
Chairman.

SIGNING OF SENATE JOINT RESOLUTION

The President of the Senate, in the presence of the Senate after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate joint resolu-

tion; the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

REPORT OF COMMITTE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bill with the engrossed and original bill, respectively, and finds same correctly enrolled, to-wit:

S. 53. To amend Sections 656 and 657 of Title 51 of the Code of Alabama of 1940.

Sam High,
Chairman.

SIGNING OF BILL

The President of the Senate in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate Amendment to the bill:

H. 104. To amend section 55 of Title 62 of the Code of Alabama of 1940.

R. T. Goodwyn, Jr.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 104. To amend Section 55 of Title 62 of the Code of Alabama of 1940.

H. 120. To authorize the Tax Assessor and Tax Collector of Russell County, Alabama, to each appoint a deputy tax assessor and tax collector; and to fix the salary of such deputy tax collector of

Russell County, Alabama and deputy tax assessor of Russell County, Alabama and to provide the method of appointment of such deputy tax assessor and deputy tax collector and to provide the method of payment of their salary and to require a bond of such deputy tax assessor and deputy collector.

Also:

H. 122. To require the County Commission of Russell County, Alabama, to remove all records of the Circuit Clerk, the Sheriff, Tax Assessor, Tax Collector and Judge of Probate from the Branch Courthouse at Seale, Alabama to the Courthouse at Phenix City, Alabama, and to provide for all functions of County Government to be held at Phenix City, Russell County, Alabama.

Also:

H. 123. TO REPEAL AN ACT ENTITLED "AN ACT to establish an additional or branch court house at Phenix City, in Russell County, Alabama; to provide the county into Northern and Southern division for such circuit court and to fix the boundary line between the two; To provide for the manner and form of the process for causes to be heard in the different divisions; to require certain officers of the county to keep an office at such branch court house; to fix the duties and compensation for such officers; to provide for grand and jetit juries; to fix the jurisdiction and venue of each division of both civil and crimnial cases and to provide for the removal of such cases from one division to the other; to provide for the method of appeal from inferior courts to the respective divisions of the Circuit Court; to fix requirements as to the confinement of prisoners in the county jail; to provide for the jury and non-jury terms of circuit court in said divisions; to fix the method of determining said terms; To provide for regular and special meetings of the Board of Revenue of said County in each division; to declare and fix the duties of the Judge of Probate with reference to said branch office and the two divisions; to provide for the penalty for failure to comply with his duty and to fix compensation therefor; to provide for the holding of county court in each division and the jurisdiction of cases as to the said divisions; to provide for the appointment of a deputy clerk and fix his compensation; to require Phoenix City, in Russell County, Alabama, to furnish quarters for the said county officers, safekeeping of the records thereof and for the furnishing of said offices with furniture, fixtures, equipment, etc; To provide for the furnishing of books and stationery by the County; to fix the method and time by which said Act shall be and be declared to be operate and effective, and the time within which the first term of the circuit court shall be held in said Northern division; to fix the duties and provide the compensation of the

tax collector and tax assessor with reference to said branch or additional court house and division." Approved August 11, 1927.

R. T. Goodwyn, Jr.,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Pinson:

S. 204. To amend Section 268, Title 55, 1940 Code of Alabama.
Committee on Finance and Taxation.

By Messrs. Benson, Madison, Walton, Henderson and Taylor:

S. 205. To propose to amend Section 194½ of the Constitution of Alabama so that as amended said section shall read as follows: "Section 194½. No person who honorably served in the Military Service of the United States betwetn January 1, 1917, and November 11, 1918, and after December 7, 1941, or at any time, past or present or future, when the United Statts was, is or shall be at war with any foreign state, shall be required after the beginning of such service to pay the Poll Tax specified in the Constitution of Alabama as a prerequisite to the privilege of voting in Alabama; but, on the contrary, every such person shall be exempt from the payment of all Poll Taxes which have theretofore accrued and have not been paid or which may thereafter accrue; provided, however, that if any such person is discharged dishonorably from said service, the exemption herein provided is forfeited, and such dishonorably discharged person, as a prerequisite to the privilege of voting in Alabama thereafter, must pay the Poll Tax specified in the Constitution of Alabama as if such person had never been in such service. The term "Military Service" as used in this Act shall mean service by any person in the armed forces of the

United States. She United States shall not be deemed at war with a foreign state within the meaning of this Section at a time when an armistice exists between the United States and the foreign state. The Judge of Probate shall issue a certificate of exemption to a person txempt from the payment of Poll Tax by reason of this Section under such rules and regulations as may be prescribed by the Governor. This Section shall be self-executing and retroactive; but the Ltgislature is authorized to enact laws designed to carry out the purposes of this Section;" and to order an election by the qualified electors of the state upon such proposed amendment to be held on the date of the holding of the next general election held after the final adjournment of the present session of the Legislature.

Committee on Constitution and Constitutional Revision and Amendments.

The above bill was read one time at length as required by the Constitution.

By Mr. Cater:

S. 206. To amend Sections 44 and 49 of Chapter 2 of Title 60 of Code of Alabama of 1940 establishing the office of state service commissioner, authorizing the position of assistant state service commissioner, the offices of state service field commissioners and other personnel of the commissioner's office, defining their duties, and fixing the compensation therefor.

Committee on Military.

By Mr. Cater:

S. 207. To authorize, require, and provide for the payment of the sum of $596.30 by the State Comptroller of the State of Alabama, for the relief of Robert F. Henry, Montgomery, Alabama, said sum being an amount paid by him to the Treasurer, the Department of Revenue, and the State Tax Commission of the State of Alabama, for sales taxes paid through error, from March 1, 1937, through March 20, 1939, both inclusive.

Committee on Finance and Taxation.

By Mr. Cobb:

208. To create the office of County Solicitor of Cherokee County; to provide for his election, and the method of appointment in the event of a vacancy; to fix his salary and define his powers and duties; and to repeal all general and local laws in conflict herewith so far as they relate to Cherokee County.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

It is proposed to introduce and ask for passage in the 1943 Session of the Alabama Legislature the following Local Bill applicable to Cherokee County.

A Bill To Be Entitled
AN ACT

To creat the office of County Solicitor of Cherokee County; to provide for his election, and the method of appointment in the event of a vacancy; to fix his salary and define his powers and duties; and to repeal all general and local laws in conflict herewith so far as they relate to Cherokee County.

Be it enacted by the Legislature of Alabama:

Section 1. There is hereby created the office of county solicitor of Cherokee County.

Section 2. The county solicitor hereby created shall be elected by the qualified electors of the County of Cherokee at the General Election to be held for the election of State and County officers in November 1946, and every four years thereafter, and shall hold office for a term of four years beginning on the first Monday after the second Tuesday in January next after his election, and until his successor is elected and qualified.

Section 3. A vacancy in the office of such county solicitor shall be filled by appointment of the Governor of Alabama, and the appointee shall hold office for the unexpired term and until his successor is elected and qualified.

Section 4. It shall be the duty of the county solicitor of Cherokee County to represent the State of Alabama in all cases in the inferior courts of the county, in all preliminary proceedings, application for bail and habeas corpus and other criminal proceedings in said county requiring the services of a prosecuting attorney; and to represent the prosecutrix in all bastardy proceedings where counsel is not otherwise employed, to aid and act for the solicitor of the Circuit Court before the Grand Jury and in all matters of the Circuit Court, and in the absence of the Circuit Solicitor to perform all of his duties; also to attend coroner's inquest and examine witnesses and select such witnesses as in his judgement should be and appear before the Grand Jury or before the courts on preliminary hearing or habeas corpus, and when called upon to do so by the commissioners Court, or any governing body of said county, to represent the County of Cherokee in all litigation in which it is engaged. The county solicitor shall be clothed with all other powers and shall be charged with all duties now given or imposed upon the deputy solicitor of said Cherokee County, Alabama, by any laws now in force or hereafter to be prescribed by law for deputy solicitors, it being the intention of this Act that said county solicitor shall take the place of the deputy solicitor of said county and prosecute all cases in which the deputy solicitor is required to presecute. All laws in force pertaining to the deputy solicitor of Cherokee County prior to the abolishment of said office shall remain in force and apply to the county solicitor hereby created except thoes in conflict with the provisions of this Act.

Section 5. That the county solicitor of Cherokee County, Alabama, shall receive a salary of twelve hundred ($1,200.00) dollars per annum, to be paid out of the general fund of said county in twelve equal installments, in the same manner as was paid the deputy solicitor of said county prior to the abolishment of said office.

Section 6. The County Solicitor hereby created shall be learned in law, and licensed to practice law under the laws of Alabama and must be a resident citizen and qualified elector of said Cherokee County, Alabama.

Section 7. The sections of this Act and parts of each section are hereby declared to be independent sections and parts of sections, and the holding of any section or part thereof to be void, ineffective or unconstitutional, shall not affect the other sections or parts thereof, it being now declared that the other parts or other sections would have been enacted regardless of any section or part of section which might be held unconstitutional, inoperative or ineffective.

Section 8. All laws or parts of laws, both local and general in conflict with provisions of this Act are hereby repealed in so far as they relate to Cherokee County.

Section 9. This Act shall go into effect upon its approval by the Governor, or its otherwise becoming law.

STATE OF ALABAMA,
CHEROKEE COUNTY.

BEFORE ME, L. W. BRADFORD, A REGISTER IN AND for said State and County, this day personally appeared Jos. M. Shaw. Sr., who being by me first duly sworn, deposes and says that he is the Editor and Publisher of Cherokee County Herald, a newspaper of general circulation published in Cherokee, County, Alabama; that the above and foregoing notice was published once a week for four consecutive weeks in Centre, Ala., on to-wit: April 21, 1943, April 28th, 1943, May 5th, 1943, and May 12, 1943, without cost to the State of Alabama.

JOSEPH M. SHAW, SR.,
Editor and Publisher.

Sworn to and subscribed before me, this, the 15th Day of May, 1943.

L. W. BRADFORD,
(Seal) Register Cherokee County, Alabama.

By Mr. Cobb:

S. 209. To provide and submit to the qualified electors of the State of Alabama, at the next general election, an amendment to the Constitution, prescribing the number of Senators in the State Senate, such amendment to be known as Article of the Constitution of Alabama.

Committee on Constiution and Constitutional Revision and Amendments.

The above bill was read ont time at length as required by the Constitution.

By Mr. Cobb:

S. 210. To fix the salary of the Judge of Probate of Cherokee County, Alabama, The Tax Collector of Cherokee County, the Tax Assessor of Cherokee County, the Clerk of Court of Cherokee County, the Register in Chancery of Cherokee County, the Deputy Solicitor of Cherokee County, the Sheriff of Cherokee County; to provide for his deputies and to provide for clerical assistance and other expenses of said offices of Probate Judge and Sheriff; to require

each of said officers to collect all the fees, compensation and allowances heretofore collected by said officers which may hereafter be collected by said officers and cover same into the County Treasury on or before the fifth day of each month, and to provide for the payment of the salary of clerical assistance and other office expense by the Treasury of the County.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

It is proposed to introduce and ask for passage in the 1943 Session of the Alabama Legislature the followingg Local Bill applicable to Cherokee County.

A Bill To Be Entitled

AN ACT

To fix the salary of the Judge of Probate of Cherokee County, Alabama, the Tax Collector of Cherokee County, the Tax Assessor of Cherokee County, the Clerk of the Court of Cherokee County, the Register in Chancery of Cherokee County, the Deputy Solicitor of Cherokee County, the Sheriff of Cherokee County; to provide for his deputies and to provide for clerical assistance and other expense of said offices of Probate Judge and Sheriff; to require each of said officers to collect all the fees compensation and allowances heretoffore collected by said officers and which may hereafter be collected by said officers and cover same into the County Treasury on or before the fifth day of each month, and to provide for the payment of the salary of clerical assistance and other office expense by the Treasury of the County.

Be it enacted by the Legislature of Alabama:

Section 1. That commencing at the beginning of their next term of office, subsequent to the general election to be held on the first Tuesday after the first Monday in November of the year 1944 and the year 1946. The salary of the following named officers of Cherokee County, Alabama shall be as follows: The salary of the Judge of Probate shall be Three Thousand Dollars ($3,000.00) per annum, net. The salary of the Tax Collector shall be One Thousand Eight Hundred Dollars ($1,800.00) per annum, net. The salary of the Tax Assessor shall be Two Thousand Two Hundred Dollars ($2,200.00) per annum, net and that the Tax Assessor and Tax Collector shall not be required to make the rounds required to be made in Tit. 51 Sec. 38 of Code of Alabama of 1940. The salary of the Clerk of the Circuit Court shall be One Thousand Five Hundred Dollars ($1,500.00) per annum, net. The salary of the Register in Chancery shall be One Thousand Two Hundred Dollars ($1,200.00) per annum, net. The salary of the Deputy Solicitor shall be One Thousand Two Hundred Dollars ($1,200.00) per annum, net. The salary of the Sheriff shall be Two Thousand Five Hundred Dollars ($2,500.00) per annum, net. The salary of the Chief Deputy Sheriff, to be appointed by the Sheriff, shall be One Thousand Two Hundred Dollars ($1,200.00) per annum, net. The said annual salary or compensation of each of said officers shall be paid out of the County Treasury of Cherokee County in equal monthly installments at the end of each month upon warrants drawn in the same manner as employees of Cherokee County are paid.

Secton 2. That when this Act goes into effect each of said officers named in Section 1, of this Act shall continue to collect all legal charges, fees costs, compensations and allowances heretofore or hereafter authorized to be collected by them or any one of them and shall pay same into the County Treasury on the first Monday of each month thereafter. The Board of Revenue or like governing body of Cherokee county is required, authorized and empowered to provide sufficient Clerks, deputies and assistants to the said Judge of Probate but the said Juge of Probate shall select the said clerks, deputies and other assistants and shall fix their compensation but the combined salary of compensation of said clerks, deputies and other assistants selected by him shall not exceed Nine Hundred Dollars ($900.00) per annum. The said Judge of Probate shall have the right to discharge the said clerks, deputies and assistants at will. The salary or compensation of said Clerk, deputies and assistants shall be paid in equal monthly installments out of the general fund of Cherokee County upon separate warrants drawn in the same manner as other employees of Cherokee County are paid.

Section 3. The Board of Revenue or like governing body of Cherokee County shall provide each of the said officers named in Section 1, of this Act, with the necessary offices, books, stationery, office equipment, supplies, files, furniture, typewriters, adding machines, postage and other conveniences and equipment necessary for the proper and efficient conducting and handling of the affairs of said office. The Board of Revenue or other like governing body shall provide additional clerical help as they deem necessary for the proper and efficient operation of the offices named in Section one of this Act but the total compensation of all such clerks shall not exceed Twelve Hundred ($1,200.00) per annum. The Board of Revenue or other like governing body shall provide the Sheriff with gasoline and motor oil and automobile expense for transportation in the enforcement of the laws of the State and the proper and efficient conduct of his office, in a sum not to exceed One Hundred Dollars (100.00) per month, to be paid by properly receipted bills and vouchers presented for payment each month.

That the provisions in Tit. 45 Sec. 146 of 1940 Code of Alabama shall not apply to the Sheriff of Cherkee County, Alabama. But the Sheriff of Cherokee County Alabama shall receive the same compensation and allowances as other Sheriffs in Counties of Alabama who are not upon a salary and all other sections of Article 2 Tit., 45 Section 142 to 155 both inclusive, except said section 146 shall apply to the Sheriff of Cherokee County, Alabama.

Section 4. The salary or compensation herein fixed shall be in lieu of all fees, compensations and allowances heretofore allowed and paid to each or any of said above named county officials of Cherokee County, Alabama, and the said Judge of Probate shal not receive any compensation or allowance for his service as President or Ex-Officio Chairman of the Board of Revenue or like governing body of Cherokee County or for any such Ex-Officio services so rendered by him. That the Sheriff shall not receive any compensation for Ex-Officio services in any Court or Courts for any such Ex-Officio service rendered by him.

Section 5. That any vacancy of any of the above named offices caused by resignation, removal or death, the officer appointed by the Governor, to fill the unexpired term after the enactment of this Act, shall receive the compensation for the service provided for said office in Section 1, of this Act. His compensation shall be the salary set out herein and shall not be fees, compensations or allowances in force prior to the passage of this Act.

Section 6. That all laws or parts of laws both geneard and local as applied to Cherokee County, in conflict with this Act be and the same are hereby repealed.

Section 7. That the provisions of this Act shall become effective from and after the first day of the month next after its passage and approval by the Governor or its otherwise becoming law.

STATE OF ALABAMA,
CHEROKEE COUNTY.

BEFORE ME, Thos. W. Bradford, Register in and for said State and County, this day personally appeared Jos. M. Shaw, Sr., who being by me first duly sworn, deposes and says that he is the Editor and Publisher of Cherokee County Herald, a newspaper of general circulation published in Cherokee County, Alabama; that the above and foregoing notice was published once a week for four consecutive weeks in Centre, Alabama, on to-wit: April 21st, 1943, April 28th, 1943, May 5th, 1943, and May 12, 1943, without cost to the State of Alabama. JOSEPH M. SHAW, SR.,
Editor and Publisher.

Sworn to and subscribed before me, this the 15th Day of May, 1943.
THOS. W. BRADFORD,
(Seal) Register, Cherokee County, Alabama.

By Mr. Sherrer:

S. 211. To amend Section 503 of Title 7, of the Code of Alabama, 1940.

Committee on Judiciary.

By Mr. Kilborn:

S. B. 213. To repeal Section 203 of Title 2 of the Code of Alabama of 1940.

Committee on Judiciary.

By Mr. Kilborn:

S. 213. To empower the governing body of every State department, of every county, municipality, board, commission or subdivision of the State of Alabama to contribute to the premiums on group life insurance policies and group hospitalization insurance on the lives of such of its officers or employees who desire to take out such insurance, and to provide for a method of collection of premiums by deductions from the salaries of officers and employees of the various political subdivisions who consent and subscribe to a play of group life insurance and group hospitalization insurance, or either, and limit the monthly amount per employee which may be so expended and to permit the governing bodies of such State departments and of any county, municipality or subdivision of the State to appropriate funds for this purpose.

Committee on Insurance.

By Mr. Kilborn:

S. 214. To transfer the offices of Security Commissioner from the Attorney General to the Director of the Department of Com-

merce and to vest the powers of that office in the Director of the Department of Commerce.

Committee on Banking.

By Mr. Kilborn:

S. 215. To authorize the State of Alabama, its agencies, institutions, boards, bureaus and commissions, counties, municipalities and school boards to invest surplus funds in bonds or direct obligations of the United States of America to provide for application to the Department of Finance for authority to make such investment and type and amounts of obligations to be purchased.

Committee on Judiciary.

By Mr. Kilborn:

S. 216. To regulate the receipts and disbursements of the Alabama Real Estate Commission, Alabama State Milk Control Board, Board of Commissioners of the State Bar, Board of Examiners of Cotton Classers, Boxing and Wrestling Commission, Alabama State Board of Public Accountancy, State Board of Registration of Architects, State Board of Registration for Professional Engineers, State Licensing, Board for General Contractors, State Board of Veterinary Medical Examiners, Board of Dental Examiners, Board of Medical Technicians Examiners, Board of Nurses Examiners and Registration for the State of Alabama, State Board of Embalmers, State Board of Medical Examiners, State Board of Optometry, State Board of Pharmacy, Board of Plumbers Examination and Registration of Alabama, and State Securities Commissioner; to provide for the deposit and custody of the funds of the same; to provide a budget for each board and commission, and for the amendment thereof; to provide a manner for expending the funds of each such board and commission, to provide the manner of disposition of the surplus funds of each board and commission; to provide for reports to the Legislature in connection with the receipts and expenses of each board and commission; to provide for the continuation of prosecutions; and to provide for the modification of certain acts to conform hereto.

Committee on Finance and Taxation.

By Mr. Cobb:

S. 217. To establish a Law and Equity Court for Cherokee County, Alabama; to define its jurisdiction and powers; to provide for its officers, their powers and duties and compensations, to provide that said court shall be open at all times for the trial of cases and transaction of business; to provide the rules and procedure of said court; to provide a fine and forfeiture fund for said court; to provide for the transfer of certain causes now or hereafter pend-

ing in the Circuit Court and the Juvenile Court of Cherokee County, Alabama, to the Cherokee Law and Equity Court; and to abolish the County Court of Cherokee County, Alabama; and to give the said court Juvenile Jurisdiction.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

It is proposed to introduce and ask for passage in the 1943 session of the Alabama Legislature the following local Bill applicable to Cherokee County, Alabama:

A Bill to be Entitled T

AN ACT

To establish a law and Equity court for Cherokee County, Alabama; to define its jurisdiction and powers; to provide for its officers, their powers and duties and compensations; to provide that said court shall be open at all times for the trial of cases and transaction of business; to provide the rules and procedure of said court; to provide a fine and forfeiture fund for said court; to provide for the transfer of certain causes now or hereafter pending in the Circuit Court and the Juvenile Court of Cherokee County, Alabama, to the Cherokee Law and Equity court; and to abolish the County Court of Cherokee, County, Alabama; and to give the said court Juvenile Jurisdiction.

Be it Enacted by the Legislature of Alabama

Section 1. That there be and hereby is established in and for the county of Cherokee, a court of Law and Equity which shall be called Cherokee Law and Equity Court and which shall be a court of record, and which shall have and exercise the jurisdiction, authority, function and powers hereinafter conferred upon it by this Act.

Section 2. That the judge for said court shall be appointed by the Governor of the state immediately after the approval of this Act with the approval of the Senate whose term of office shall begin immediately upon his appointment and qualification, and shall continue until the first Monday after the second Tuesday in January in the year 1947; and that, at the general election to be held in the year 1946, the successor to the judge so appointed shall be elected by the qualified electors of Cherokee County, Alabama, voting at said election whose term of office begins at the expiration of the term of office of the judge to be appointed by the Governor, upon the approval of, and under authority of this Act, and whose term of office shall be for a period of six years. The Judge of said court before entering upon the duties of said office shall take the oath required by law to be taken by the judges of Circuit Courts of Alabama. The said judge shall be a qualified elector of Cherokee County Alabama; shall be learned in the law and shall be not less than twenty-five years of age.

Section 3. Vacancies in the office of the judge of said court shall be filled by appointment by the Governor, and the person so appointed shall hold office as required by the constitution of this state. Said judge may be removed from office in the manner, and for the causes, now provided by law for the removal of Circuit Judges.

Section 4. That the clerk of Circuit Court of Cherokee County shall be ex-officio clerk of the Cherokee Law and Equity Court and shall have the

powers and discharge the duties which shall devolve upon the clerks of the Circuit Courts and shall be subject to the same pains and penalties with regard to the duties of the office, and shall be entitled to the same salaries or fees, as are now, or may hereafter be allowed to Circuit Clerks of Alabama, and the same shall be collected as such fees are collected in the Circuit Courts; except that in Civil matters where suit is brought for $100 or less only fees allowed Justices of the Peace shall be collected; and exercise the same powers and perform the same duties as are exercised and performed in the Circuit Court. That the Register of the Circuit Court in Equity shall be ex-officio Register of the Cherokee Law and Equity Court and shall have the powers and discharge the duties which shall devolve upon the Register of the Cherokee Law and Equity Court; and shall be subject to the same pains and penalties with regard to the duties of the office and shall be entitled to the same salaries or fees as are now or hereafter be allowed to Register of Circuit Courts in equity and the same shall be collected as such fees are collected in Circuit Courts.

Section 5. That the judge of said court shall receive a salary of twenty-four hundred dollars per annum, payable in equal monthly installments out of the county treasury at the end of each month, his signed receipt being required.

Section 6. That the deputy solicitor appointed or elected for Cherokee County Circuit Court shall represent the state in all criminal cases in said court, as ex-officio solicitor of the Cherokee Law and Equity Court.

Section 7. That said Law and Equity court shall be held at the court house of Cherokee County, and that said court shall be open at all times for the trial of cases and transaction of business. In case of sickness or disqualification of the judge of said court, the law applicable to the appointment and service of special judges in the Circuit Courts shall apply. The judges of said court shall be subject to the same penalties for failure to attend upon the Court as are Circuit Judges of this state. The judge of said court shall keep an office in the courthouse of Cherokee County, and it shall be the duty of the Board of Revenue of Cherokee County to provide such office, and supply the same with necessary furnishings, fixtures, stationery, etc.

Section 8. The judge of said court may determine and fix the time of holding the sessions of said court for the trial of all cases, both civil and criminal; provided, however, that all civil and criminal cases in which no jury is demanded, shall be called for trial at least once every thirty days, and for the trial of civil and criminal cases wherein juries have been demanded there shall be three sessions of court each year, the time of said sessions to be fixed by the court by order entered upon the minutes of the court. Provided, however, that this section shall not be construed to prevent the continuance of any case in said court, by agreement of counsel or the parties on good cause shown to the court, and when any cause is so continued to a specified time either for a cause shown to the court, or by agreement of parties or counsel, it shall not be necessary to call said case until the expiration of the time to which it has been continued. And provided further that the court shall have the right and power to call extraordinary sessions of said court whenever in the judgment of the court the same are necessary.

Section 9. That it shall be the duty of the presiding judge of the Circuit Court of Cherokee County to, immediately after the approval of this Act, make an order transferring to the Cherokee Law and Equity Court, all cases pending on the docket of the Circuit Court against persons charged with a misdemeanor, and all cases pending on the docket against persons charged with a felony except those cases wherein a felony is charged for which the punishment would make it a capital offense, and from and after the approval of this act each and every indictment returned by a Grand Jury of Cherokee County against persons charged with the commission of a misdemeanor, and

each and every indictment returned by a Grand Jury of Cherokee County against persons charged with the commission of a felony except those cases wherein a felony is charged for which the punishment would make it a capital offense, shall at once, be transferred to the Cherokee Law and Equity Court by the Clerk of the Circuit Court, and the jurisdiction of said Cherokee Law and Equity court shall attach to said cause, and the jurisdiction of the Circuit Court of said county shall cease, and it shall be the duty of the clerk to immediately issue capiases against said parties so charged with a Felony or charged with a misdemeanor, returnable to the Cherokee Law and Equity Court.

Section 10. All civil cases now pending in the Circuit Court of Cherokee County, where the amount involved does not exceed Ten Thousand ($10,000.-00) Dollars, and all actions of ejectment, forcible entry and unlawful detainer, and all action for the trial of the right to property may be, by agreement of the parties thereto, transferred from the said Circuit Court to the said Cherokee Law and Equity Court.

Section 11. The sheriff of Cherokee County shall, in person or by a deputy, or deputies appointed by him, said appointment to be approved by the judge of said court be required to attend upon said court in preserving order, and execute all writs of process, and perform such other duties, in all respects as in the Circuit Courts of this State, and for himself and each deputy required, not exceeding 3, for attendance upon said session of said court, he shall receive the sum of $2.00 per day, payable out of the County Treasury upon his warrant, approved by the presiding judge, provided that the sheriff and his deputies shall not receive pay except for the time that the court is actually in session and none of such compensation to the deputies shall be shared in by the sheriff, and for the service by the sheriff of the process of said court as he receives under the law of the State of Alabama or any laws enacted in the future by the Legislature of Alabama for the compensation of the sheriff for similar services in the Circuit Court.

Section 12. That if for any reason, a forfeiture be taken on any bond on the criminal side of said court, the court may order the alias capias returnable within ten days, and unless the party or parties, against whom the forfeiture is taken, shall appear and show cause, when the forfeiture is returnable, why the forfeiture should not be set aside, then the court is hereby authorized and empowered to make the judgment final.

Section 13. That the said Cherokee Law and Equity Court shall adopt a seal which shall be in the custody of the clerk and/or Register of said court.

Section 14. That all actions of ejectment, forcible entry and unlawful detainer, and all other civil cases are to be tried by the court without the intervention of a jury unless at the time of filing the suit, the plaintiff shall endorse upon the summons and complaint a demand for a jury trial, or that the defendant or claimant at the time of filing the first pleadings in the case or at the time of making his appearance, shall demand a trial by jury, in writing, to be filed in the cause; provided, however, that all cases involving less than fifty dollars ($50.00) shall be tried by the court without the intervention of a jury; and provided further that all misdemeanor cases shall be tried without the intervention of a jury unless a demand for a jury is endorsed upon the bond at the time of making the same, or a demand in writing be filed in the cause within fifteen days after the arrest of the defendant.

Section 15. In all causes in the Cherokee Law and Equity Court brought by appeal or certiorari from judgments of Justices of the Peace, recorders or other inferior courts, jurisdiction of which cases the said Cherokee Law and Equity Court shall have, the issue and question of facts shall be tried by the judge of the court without the intervention of a jury unless a demand for a trial by a jury be made in writing and filed in the cause by the party suing out the appeal or certiorari within five days after suing out the same, or filed

in the cause by the opposite party in all civil cases within five days after he has been served with notice of appeal or certiorari, unless said cause is sooner called for trial in which case the demand shall be made at the first call of said cause.

Section 16. That in all actions of ejectment, forcible entry and unlawful detainer, and trial to the rights of property, and in all civil cases where the amount involved exceeds one hundred ($100.00) dollars, the defendant therein shall be required by the summons served upon them to appear and plead or demur to the complaint within twenty (20) days after the service of such summons and complaint upon them; and in all cases commenced by attachment, the defendant shall appear and plead or demur within twenty (20) days after service of the notice of the levy of the attachment or, in cases where the suit is brought against non-residents, or other persons whom service is had by publication, within twenty (20) days after the perfection of such service by publication, and in all other cases, the defendants must appear and plead within five (5) days after service upon them; and in cases whether commenced by summons and complaint, attachment, or otherwise, any defendant failing to appear after service upon him has been perfected or notice given him as herein required, shall be held to be in default, and at any time thereafter, on motion of the plaintiff, judgment by default shall be rendered against him; provided that the court may, for good cause shown, allow such judgment so obtained by default, to be set aside, and demurrers or pleas to be filed on such terms as the court may think best; provided, however, that in all cases when judgment by default has been rendered against the defendant, the plaintiff may execute a writ of inquiry before the court without the intervention of a jury, and have final judgment rendered thereon.

Section 17. That this court shall have exclusive jurisdiction of all cases appealed from justice of the peace, and all other inferior courts of Cherokee County, and all cases appealed from the Mayor's Court and all original mesne processes, writs, notices, etc. shall be executed instanter, to be returnable immediately upon the execution thereof, by the officers receiving the same; and all cases so appealed shall stand for trial at any time after five days (5) notice of the suing out of the appeal to the adverse party, and notice to be given as now provided by law.

Section 18. That in all cases in the Probate Court of Cherokee County, Alabama, wherein a will is sought to be probated, the filing of any contest shall automatically transfer the trial of such contents to the Cherokee Law and Equity Court, and it shall be the duty of the Judge of Probate to deliver, immediately to the clerk of such court all papers filed in said contest, and the same shall stand for trial as any other civil cause. That all notices shall be issued by the clerk of said court as are now required by law to be issued by the Judge of Probate in the contest of wills, and the rules for trying the same as provided in the trial of civil cases as to the drawing and empaneling of a jury, provided, however, that either party desiring a jury trial may file a written demand therefor at any time within thirty (30) days from the date of the filing of said cause in the Cherokee Law and Equity Court, or at the time said cause is first called for trial if called within said time. That the final judgment entry of said contest shall be certified by the Clerk of said court to the Judge of Probate and by him recorded in the Probate Court minutes and acted upon as though it had been rendered in the Probate Court.

Section 19. That said Cherokee Law and Equity Court shall have exclusive jurisdiction over children and the Judge of said Law and Equity Court shall be the Judge of Juvenile Court, it being the intention to confer complete, full, unlimited and exclusive jurisdiction upon the Cherokee Law and Equity Court of all juvenile matters and juvenile jurisdiction in Cherokee County, Alabama, as provided under Title 13, Chapter 7, Section 350 to 383

both inclusive of the Code of Alabama of 1940. That the Register in Chancery is hereby made the Clerk of such Juvenile Court.

Section 20. That all jurors for Cherokee Law and Equity Court shall be summoned from the entire county; that the venire for said court shall consist of 44 jurors drawn as provided by law for the drawing and summoning of jurors for the Circuit Court of Alabama.

Section 21. That said Cherokee Law and Equity Court shall have unlimited concurrent Equity jurisdiction with Circuit Court in equity in and for said Cherokee County in and for all matters and that all civil causes may be transferred from the Cherokee Law and Equity Court to the Circuit Court in Equity. For same reasons, in the same manner and under the same rules and regulations as is now provided for the transfer of causes from the law side of the Circuit Court to the equity side of said court.

Section 22. That all garnishments issued from said court shall require an answer thereto within ten (10) days, after the service thereof and upon the failure of the garnishee to make such answer within ten (10) days, he shall be deemed to be in default, and a judgment nisi may be rendered against him on the motion of the plaintiff, and unless otherwise ordered by the judge of said court, all citations rules, writs or scire facias, and notices issuing from the said court, shall require the party against whom they are issued to appear and plead within ten (10) days after notice thereof; and, if citation or notice is to be given by publication, then within ten (10) days after the perfection of a service of publication; that all cases whether commenced by a summons and complaint, attachment or otherwise, shall be deemed and taken to be at issue and triable upon the appearance of the defendant, and his pleading to the complaint.

Section 23. Prosecutions for misdemeanors committed in Cherokee County may be instituted in this court by making an affidavit before the judge of said court or the clerk thereof, the writ of said affidavit to be issued by the clerk of said court, and when the defendant is arrested on said affidavit, the case shall go on the docket for trial, and be tried as though the defendant had been indicted by a grand jury, provided, however, that the affidavit or complaint may be amended as now provided by amendment of such papers by Section 347 Title 13 of the Code of Alabama of 1940.

Section 24. The judge of said court shall have power to issue search warrants, writs of habeas corpus, prohibition, certiorari, quo warranto, and all other special and extraordinary writs; and the rules of the Circuit Courts of Alabama as are now or which may hereafter be provided by law, except as otherwise provided in this Act, shall prevail in the Cherokee Law and Equity Court, and the judge thereof shall have the same power and authority including punishment for contempt as is or may hereafter be conferred upon judges of the Circuit Courts of Alabama unless otherwise provided in this Act.

Section 25. That from and after the passage of this Act all fines and forfeitures assessed and collected in said Court shall be deposited in the Fine and Forfeiture Fund of Cherokee County, Alabama.

Section 26. That claims accruing in the Cherokee Law and Equity Court will be claims against said fund and such claims must be paid in the order in which they are registered.

Section 27. The Sheriff, Circuit Clerk's and Register's claims originating in the Cherokee Law and Equity Court when registered shall be on par with witness claims against said fund, and all claims against said fund shall be paid upon certificate as provided by the General Laws of Alabama, and said claims must be paid in the order of registration against said Fund.

Section 28. It shall be the duty of the clerk of said court to keep a record upon which shall be recorded all affidavits made before the judge of said court, or returnable by a justice of the peace, or judge of an inferior court in said county, to said court and if any of said affidavits should be lost or

destroyed, a certified copy of the said record shall be used the same as the original affidavit, and for recording each of said affidavits, the clerk shall receive a fee of twenty-five cents to be taxed as costs in case of the defendant's conviction.

Section 29. Said court shall have jurisdiction in civil cases in all matters where the amount involved does not exceed ten thousand dollars, in all Equity matters and proceedings unlimited jurisdiction irrespective of the amount involved and in all action of ejectment, and original jurisdiction in action of unlawful detainer and forcible entry and unlawful detainer, and trial of the rights of property irrespective of the amount involved, or the value of the property, provided that in actions of unlawful detainer, and forcible entry and unlawful detainer, the defendant may, within the time allowed for pleading, file an affidavit, and give bond as now authorized by law in actions of this kind, and thereafter the same shall be tried as other actions in ejectment.

Section 30. That the Supreme Court and Court of Appeals of this State shall have appellate and supervisory jurisdiction over said court, and the judge thereof, which may be exercised in the same manner as such jurisdiction may be exercised over the Circuit Courts of the State, and the judge thereof, and appeals may be taken from the orders and judgment of said Court to the Supreme Court and Court of Appeals in the same manner, and within the same time, as appeals are now taken from the orders and judgments of the Circuit Courts of the State.

Section 31. The venue in any case in the said Cherokee Law and Equity Court shall be changed to other counties under the same orders and regulations as govern change of venue in the Circuit Court.

Section 32. That after five (5) days from the rendition of any judgment, unless otherwise directed in said judgment, the clerk of said court shall issue execution returnable in not less than ten (10) nor more than sixty (60) days after the issuance of such execution; provided that nothing herein contained shall prevent any person from having execution issued within five (5) days upon making affidavit now provided by law in relation to the issuance of executions upon judgments in the Circuit Court, and provided further, that nothing herein contained shall prevent the superseding of executions after the issuance thereof upon filing bond as now required by law.

Section 33. That bills of exceptions relating to the trial of cases civil and criminal in said court must be presented to the Judge of said Court within sixty (60) days from the date of judgment on any cause tried therein and not afterwards must be signed and approved by the presiding judge within thirty (30) days after the date of such presentation, but the presentation of a bill of exception within sixty days from the date on which a motion for a new trial was passed on by the court shall be sufficient to preserve for review the ruling of the court on the trial of the original cause and the date of the presentation and signing of such bills of exception must be endorsed thereon by the presiding judge.

Section 34. That final judgments rendered in said court after the expiration of fifteen (15) days from their rendition be taken and deemed to have passed beyond the control of said court, as if the term of court at which judgments were rendered had ended, provided, however, that nothing herein contained shall prevent the parties applying for a new trial or rehearing within fifteen days, or change or destroy the office of motion for new trials or rehearings, when so made, or shall prevent parties from applying to the court for rehearing under statute authorizing applications for rehearing in the Circuit Court.

Section 35. If the judge of said court dies, resigns, or is impeached, or his term of office expires, or if, from other cause, he does not sign a bill of exceptions duly presented to him in the proper time, the bill of exceptions may be established in the Supreme Court and Court of Appeals, in the same

manner as bills of exceptions are established in cases tried in the Circuit Courts of this State.

Section 36. That the clerk and register, with the approval of the judge of said court, is hereby authorized to purchase all necessary furnishings, records, stationery and supplies for the equipment and maintenance of said Court, and the same shall be paid out of the county treasury upon warrants drawn by the judge and signed by the clerk.

Section 37. That the judge of said court shall appoint a competent person capable of taking the proceedings of said court in shorthand as the official reporter for said court, and shall make an order of such official reporter, when so appointed, shall be removed by the Judge of said Court at his discretion, and his duties shall be the same as are now provided by law for the reporter of the Circuit Courts of the State and he shall receive the same rate of compensation for transcribing the testimony or other proceedings as are now provided for said Circuit Court Reporter, but shall as a salary receive only the amount hereafter provided for in the next succeeding section hereof.

Section 38. That in all cases in said Court a Stenographer's fee of five dollars shall be charged and collected by the clerk and/or by the Register and paid to the official Court Reporter appointed for said court; provided, however, that in cases where a money judgment is sought in civil cases of less than one hundred dollars as determined by the complaint, and in cases where there is a judgment by default, there shall be charged no stenographer's fee.

Section 39. That the County Court of Cherokee County is hereby abolished and from and after the passage of this Act shall no longer exist and no officers of this state shall collect any fees or salary because of said court or for services rendered in said County Court or for services rendered in said Court, and all cases pending in said County Court of Cherokee County when this act becomes a law, shall immediately become pending upon the docket of the Cherokee Law and Equity Court as though originally brought in said Court, and shall be called for trial on the first Monday in the month following the approval of this Act at which time any defendant whose case has been pending in said County Court may demand a trial by jury.

Section 40. That, a trial tax of Three Dollars ($3.00) is imposed in each case, civil, criminal and equity, which is docketed in said Law and Equity Court, to be taxed and collected as other costs, and when collected, to be paid by the Clerk or Register of said Law and Equity Court, into the general fund of the county as other costs. This trial tax fee shall not, however, be imposed or collected in cases where the amount involved in civil cases is less than $100.00.

Section 41. That if, for any reason, any person, provision or clause of this Act shall be held to be unconstitutional or invalid, then that fact shall not destroy the constitutionality of this Act except as to that clause or section.

Section 42. That the provisions of this Act are to take effect from and after the approval thereof.

Section 43. That all laws, both local and general, in conflict with this Act, are hereby repealed.

Section 44. This Act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming law.

STATE OF ALABAMA,
CHEROKEE COUNTY.

BEFORE ME, E. S. Johnson, A Notary Public in and for said State and County, this day personally appeared John B. Shropshire who being by me first duly sworn, deposes and says that he is the Editor and Publisher of The

Coosa River News, a Newspaper of general circulation published in Cherokee County, Alabama; that the above and foregoing notice was published once a week for four consecutive weeks in Centre, Alabama, on to-wit: April 23, 1943, April 30, 1943, May 7, 1943, and May 14, 1943, without cost to the State of Alabama.

JOHN B. SHROPSHIRE,
Editor and Publisher.

Sworn to and subscribed before me, this the 15 Day of May, 1943.

E. S. JOHNSON,
(Seal) Notary Public, Cherokee County, Alabama.

By Mr. Henderson:

S. 218. To provide uniform regulations governing the exchange of bonds, warrants, revenue obligations and other evidences of indebtedness of the state, counties, municipalities, and other agencies and instrumentalities and institutions of the state, counties and municipalities.

Committee on Banking.

By Mr. Henderson:

S. 219. To propose an amendment of Article IV Section 93 of the Constitution of Alabama; providing that the state may engage in the construction, improvement, repairs, maintenance and operation of public airports, air landing fields and other navigation facilities in the State of Alabama and may appropriate money or otherwise provide funds for this purpose; providing that the state may use convict labor and equipment for such purposes; providing that the state may grant the use of such facilities or lease parts of such facilities or properties adjoining such facilities to the Federal government, the counties, the municipalities, or the other instrumentalities or institutions of government or to any person, firm, corporation or association, and providing that the state may sell or transfer such facilities to the Federal government, to any city, town or instrumentality, public institution or political subdivision of government and to order an election for the qualified voters of the State of Alabama upon such proposed amendment to be held at the next general election held after the final adjournment of the present session of the Legislature at which this amendment is proposed and to provide for the manner of holding said election.

Committee on Constitution and Constitutional Revision and Amendments.

The above bill was read one time at length as required by the Constitution.

By Mr. McCary:

S. 220. To fix the number of Representatives in the Legislature and apportion them among the several counties of the State, according to the 1940 census of the United States, as provided in Article IX, Section 199, of the Constitution of Alabama; to further provide

that each county having more than one representative shall be divided into Legislative Districts; to provide how such Districts shall be created; to provide the penalty for failure to create such Districts; and to provide for the effective date of this Act.

Committee on Constitution and Constitutional Revision and Amendments.

By Mr. Kilborn:

S. 221. To provide for the Payment of the Expenses of Examining Credit Unions.

Committee on Banking.

By Mr. Cary:

S. 222. To propose an amendment to the Constitution of Alabama exempting from payment of poll tax all persons who have honorably served in the Armed Forces of the United States between September 1, 1940 and December 8, 1941 and during any time when a State of War existed between the United States and any foreign power. The term Armed Forces as used in this Act shall include the Army, the Women's Army Auxiliary Corps, the Navy and the Women's Auxiliary Volunteer Enlistment Service of the Navy, the Marines, the Women's Volunteer Reserve of the Marines, the Coast Guards, the SPARS of the Coast Guard the Merchant Marine, and any similar organizations authorized by Congress while such State of War exists. To order an election by the qualified voters of the State upon such proposed amendment to be held at the next general election after the final adjournment of the present session of the Legislature.

Committee on Constitution and Constitutional Revision and Amendments.

The above bill was read one time at length as required by the Constitution.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Messrs.: Rains, Kirby, Sullivan, McGinty, Sightler, Ard, Smyer and Segrest.

H. 66. To create and establish a War Emergency Council and a fund therefor; to provide for its organization and to define its powers and duties; to fix the compensation of its members and to define their powers, authority, and duties; to appropriate funds for the operation and use of said council.

And ordered sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 66. to the Committee on Finance and Taxation.

ORDER TO PRINT

On motion of Mr. Kilborn, 250 copies of the bill: S. 216, were ordered printed for the use of the Senate.

RESOLUTION

Mr. Henderson offered the following resolution to-wit:

S. R. 16. It is hereby moved that the following hours and places of meetings be assigned to the following committees:

Committee and Day	Time	Room
Finance and Taxation—Tuesday	2:00 P. M.	333
Judiciary—Tuesday	3:30 P. M.	335
Public Roads and Highways—Wednesday	2:00 P. M.	333
Education—Wednesday	3:30 P. M.	335
Health—Thursday	2:00 P. M.	335
Agriculture—Thursday	3:30 P. M.	336
Constitution and Constitutional Revision and Amendments—Wednesday	9:00 A. M.	336
Welfare—Thursday	9:00 A. M.	332
Banking—Friday	9:00 A. M.	335

That this schedule and this Resolution be kept posted on the bulletin board and that the Chairmen use these times and places as far as possible in calling their meetings.

The the Committees adjourn so as not to overlap the times of the other Committees.

That the Chairmen of other Committees consult the Chairmen of the Committees named above before calling meetings during the time scheduled for these Committees.

That as far as possible the various Chairmen use the Committee rooms except for public hearings which can be held at the Press table in the Senate Chamber.

That this schedule shall not interfere with Committee meetings already called for this week.

That the Rules Committee carefully consider the Schedule set up in this Resolution and make proper revisions.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Tucker:

H.J.R. 9. Be it resolved by the House of Representatives of Alabama, the Senate concurring that the Honorable Wendell Willkie, Republican Candidate for the President of the United States in 1940, and an outstanding American Citizen, who will be within the borders of our State during this month to deliver the baccalaureate address at the Birmingham Southern College, be and is hereby extended a cordial invitation to address the two houses of Legislature of Alabama in joint session at the Capitol on a day to be fixed by a committee of the Legislature and Mr. Willkie.

Be it further resolved that the speaker of the house be authorized to appoint two members of the house and the Lt. Governor be authorized to appoint one member of the Senate to act as a joint committee of the two bodies to transmit this resolution and to fix the day and make the necessary arrangements for said joint session.

And the Speaker of the House appointed Messrs. Tucker and Johnson (Winston) as Commitee on Part of the House.

And sends same herewith to the Senate for its consideration.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The resolution, H. J. R. 9, set out in the foregooing Message from the House, was read and referred to the Standing Comittee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Norman of Bullock:

H. 5. To repeal an Act approved September 21, 1939, entitled "An Act to appropriate the first $400,000.00 of any surplus over

and above $750,000.00 in the State Treasury to the credit of the General Fund, after providing for the payment of all appropriations now or hereafter made payable from said fund, for each of the fiscal years ending September 30, 1939, September 30, 1940, September 30, 1941, September 30, 1942 and September 30, 1943, to provide a retirement fund for teachers in the State supported schools and colleges, to be expended in accordance with such statutes and regulations as may then be in force relating to the expenditure of such fund."

Also:

By Mr. Norman of Bullock:

H. 4. To repeal an Act approved September 21, 1939, entitled "An Act to provide for the transfer of any surplus over and above $1,150,000.00 in the State Treasury to the credit of the General Fund, after the payment of all appropriations now or hereafter made payable from said fund, for each of the fiscal years ending September 30, 1939, September 30, 1940, September 30, 1941, September 30, 1942, and September 30, 1943, to the Minimum Program Fund for expenditure during the fiscal year next succeeding the fiscal year in which said surplus accrues, in accordance with the statutes and regulations of the State Board of Education relating to the expenditure of such fund."

And ordered sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. 5 and H. 4, to the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Norman of Bullock:

H. 25. To amend Section 784, Title 51, of the 1940 Code of Alabama.

Also:

By Mr. Hodo:

H. 47. To make appropriation of Two Hundred and Fifty Thousand Dollars ($250,000), or so much thereof as may be neces-

sary, out of any funds in the State Treasury not otherwise appropriated, to defray the expenses of the present session of the Legislature.

And ordered sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. 25 and H. 47, to the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following Joint Resolution:

By Mr. Chichester:

H. J. R. 15. Be it Resolved by the House of Representatives, the Senate concurring, that since there are a number of former students, both men and women, of the State's accredited colleges who have had their education interrupted by the present conflict and are now in various branches of the armed forces, and

Whereas, these students have prolonged their education in order to take up arms in the protection of their Country against the Axis powers—be it further resolved that

Whereas, many of these students are now persuing studies in various out-of-state accredited colleges and universities in subjects touching, engineering, chemistry, physics, meteorology and other subjects that would ordinarily be credits leading to their respective degrees. Be it further resolved that our accredited colleges, as far as practical give these students college credits for subjects taken while members of the arm forces in order that when they return their education may be completed soon as possible.

Be it further resolved that copies of this Resolution be transmitted by the Clerk of House and Secretary of Senate to the Presidents of the Alabama Polytechnic Institute, the University of Alabama and other accredited state colleges in order that some method may be adopted for these students to secure certification for

courses taken while members of the Army, Navy, Marines and other branches of the arm forces of the United States.

And sends same herewith to the Senate for its consideration.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The resolution, H. J. R. 15, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING

S. 18. To provide for a public corporation for the purposes of constructing or causing to be constructed public roads and bridges in this State and related purposes; to describe its powers and duties, and to provide for the raising of necessary funds for such purposes, and to provide for the payment of the cost of construction of such roads and bridges, and to authorize such corporation to borrow money and match Federal funds for public roads, bridges and highways constructed and to issue bonds, warrants, assignments, transfers, or securities, and to aid in the several counties of the State in negotiating or otherwise financing interest bearing warrants of such counties, secured by pledge of the proceeds of gasoline tax appropriations to the counties by the State, and to contract with counties, the State Highway Department of Alabama, or other agencies performing any of the functions thereof by whatever name it may be known, the Federal Emergency Administration of Public Works, and any other branch or agency of the Federal Government or other authorities, and persons, firms or corporations; and to repeal Article 3, Chapter 2, Title 23 of the Code of Alabama 1940, Section 112 to 124, inclusive.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:	Cobb	Jones	St. John (Lawrence)
Benson	Dodson	Kelly	Sherrer
Bentley	Espy	Kilborn	Simpson
Black	Goodwin	Lawson	Smith
Bradford	Henderson	Madison	Taylor
Brown	High	McCary	Toomer
Carlton	Hill	Pinson	Walton
Cater	Hornsby		

—29

Nays: —0

The bill:

S. 77. To provide an automatic appeal for a convicted felon sentenced to death pursuant to the laws of Alabama; to regulate such appeals and to prescribe the procedure therefor; to define an indigent appellant and to authorize an investigation of the alleged indigency; to provide an indigent appellant with transcriptional service of the court reporter and with legal counsel to prosecute the automatic appeal; and to provide that such service and legal counsel shall be furnished at the expense of the State of Alabama.

Was taken up.

The Standing Committeeon Judiciary offered tht following amendment to the bill, to-wit:

Amend the caption of S. B. 77 by striking the words "service and". Amend S. B. 77 by striking therefrom Section 12; and by designating the present section 13 as Section 12; by designating the present Section 14 as Section 13. and by designating the present Section 15 as Section 14.

And on motion of Mr. Cater, the amendment was laid on the table.

And said bill was then read a third time at length and passed and ordered sent forthwith to the House without engrossment;

Yeas, 26; Nays, 2.

Yeas:

Messrs.:	Espy	Kilborn	St. John (Lawrence)
Bentley	Garrett	Lawson	Simpson
Bradford	High	Madison	Smith
Carlton	Hill	McCary	Taylor
Cater	Hornsby	Newton	Toomer
Cobb	Jones	Pinson	Walton
Dodson	Kelly		—26

Nays: Messrs. Brown and Henderson —2

The bill:

S. 98. To amend Section 27 of Title 47 of the Code of Alabama of 1940:

Was taken up.

The Standing Committee on Judiciary offered the following amendment to the bill, to-wit:

Amend S. B. 98 by adding at the end thereof the following: "Provided, however, that when any such acknowledgment shall

be taken by any commissioned officer of any of the armed forces of the United States, no seal of office shall be required, and his signature shall be prima facie proof of his authority hereunder."

Which was adopted:

Yeas, 29; Nays, 0.

Yeas:

Messrs.:	Cobb	Jones	St. John (Lawrence)
Bentley	Dodson	Kelly	Sherrer
Black	Garrett	Kilborn	Simpson
Bradford	Goodwin	Lawson	Smith
Brown	Henderson	Madison	Taylor
Carlton	High	McCary	Toomer
Cater	Hill	Pinson	Walton

—29

Nays: —0

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment;

Yeas, 24; Nays, 0.

Yeas:

Messrs.:	Cobb	Kelly	St. John (Lawrence)
Benson	Garrett	Kilborn	Sherrer
Bentley	Henderson	Lawson	Simpson
Black	High	Madison	Smith
Bradford	Hill	McCary	Toomer
Carlton	Jones	Pinson	Walton
Cater			

—24

Nays: —0

The bill:

S. 137. To authorize and create an additional judge of the Fourth Judicial Circuit of Alabama and to provide for his election, jurisdiction, powers, authority and qualifications, to render him liable to all the pains and penalties of the other Circuit Judges of the State, and to provide for the salary of said judge.

Was taken up.

The Standing Committee on Judiciary offered the following substitute for the bill, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To authorize and create an additional judge of the Fourth Judicial Circuit of Alabama and to provide for his election, jurisdiction, powers, authority and qualifications, to render him liable to all the pains and penalties of tht other Circuit Judges of the State, and to provide for the salary of said judge.

Be It Enacted By The Legislature Of Alabama:

Section 1: That there shall be, and there is hereby authorized and created an additional judge of and for the Fourth Judicial Circuit of the State of Alabama, who shall be appointed by the Governor of Alabama, within thirty days after the passage and approval of this Act, whose term of office shall begin upon the qualification of such appointee, and who shall hold office until the general election for State offices in 1944 and until his successor shall have been elected and qualified; that thereafter such additional judge shall be elected at the same time and for the same term as other circuit judges are elected in this State.

Section 2. That said aditional judge shall have and exercise all the jurisdiction, powers, rights, and authority and shall possess all the qualifications, and may perform all the duties that the other circuit judges of the State of Alabama may exercise, shall possess or may perform, and he shall be liable to all the pains and penalties of said other circuit judges of the State. Such additional judge shall when appointed or elected and during his term of office reside in and be a qualified elector of one of the counties in said circuit.

Section 3. That the salary of said additional judge of said Fourth Judicial Circuit shall be the same as is paid to the other circuit judges by the State of Alabama. The said additional judge shall be known and designated as the Associate Judge of the said Circuit, and the present judge shall be the Presiding Judge of the Circuit. The two judges of said circuit shall preside over the several courts of said circuit and have equal jurisdiction in all counties of the Circuit.

Which was adopted.

Yeas, 27; Nay, 1.

Yeas:

Messrs.:	Black	Cater	Garrett
Benson	Bradford	Dodson	High
Bentley	Brown	Espy	Hill

Hornsby	Lawson	Pinson	Smith
Jones	Madison	St. John (Lawrence)	Taylor
Kelly	McCary	Sherrer	Toomer
Kilborn	Newton	Simpson	Walton

—27

Nay: Mr. Carlton —1

Mr. Kilborn moved that further consideration of the bill, as amended by the substitute, be postponed until the 22 Day.

Mr. Sherrer moved to table the motion to postpone consideration of the bill, as amended by the substitute, to the 22 day, which motion was lost.

Yeas, 12; Nays, 18.

Yeas:

Messrs.:	Hill	McCary	Simpson
Bentley	Lawson	Newton	Smith
Black	Madison	Sherrer	Walton
Cater			

—12

Nays:

Messrs.:	Cobb	Henderson	Pinson
Benson	Dodson	High	St. John (Lawrence)
Bradford	Espy	Jones	Taylor
Brown	Garrett	Kelly	Toomer
Carlton	Goodwin	Kilborn	

—18

On motion of Mr. Kilborn, the Senate reconsidered the vote by which the bill was ordered to its third reading and engrossment.

And on motion of Mr. Kilborn, the Senate did postpone further consideration of the bill, as amended by the substitute, until the 22 day.

The bill:

S. 4. To amend Section 23 of Title 34 of the Code of Alabama, 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 21; Nays, 11.

Yeas:

Messrs.:	Cater	Jones	Pinson
Benson	Garrett	Kilborn	St. John (Cullman)
Bentley	Henderson	Lawson	Shaver
Black	High	Madison	Simpson
Brown	Hill	McCary	Toomer
Carlton	Hornsby		

—21

Nays:

Messrs.:	Dodson	Kelly	Smith
Bradford	Espy	Newton	Taylor
Cobb	Goodwin	St. John (Lawrence)	Walton

—11

SPECIAL ORDER SET

On motion of Mr. Kilborn, the bill:

S. 35. To create and establish a four year medical school in the State of Alabama to be known as "The Medical College of Alabama," a school of medicine of the University of Alabama; to provide for its location, building, equipment, organization, operation, maintenance, ownership, management and control; and to make appropriations therefor from the General Fund and from the Special Educational Trust Fund.

Was made a special, paramount and continuing order of business for the sixteenth day.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Gwin:

H. 1. To propose to amend section 194½ of the Constitution of Alabama so that as amended said section shall read as follows: "Section 194½. No person who honorably served in the military service of the United States between January 1, 1917 and November 11, 1918, or between September 16, 1940 and December 8, 1941, or at any time past or present or future, when the United States was, is or shall be at war with any foreign state shall be required after the beginning of such service to pay the poll tax specified in the constitution of Alabama as a prerequiste to the privilege of voting in Alabama; but on the contrary, every such person shall be exempt from the payment of all poll taxes which have theretofore accrued and have not been paid or which may thereafter accrue; provided, however, that if any such person is discharged dishonorably from said service the exemption herein provided is forfeited, and such dishonorably discharged person, as a prerequisite to the privilege of voting in Alabama thereafter. must pay the poll tax specified in the constitution of Alabama as if such person had never been in such service. The term "military service" as used in this section includes service in the Army of the United States, the United States Navy, the Marine Corps, the Coast Guard, the Women's Army Auxiliary Corps, the

Women's Appointed Volunteer Emergency Service, and the Women's Reserve of the United States Navy. The United States shall not be deemed at war with a foreign state within the meaning of this section at a time when an armistice exists between the United States and the foreign state. The Judge of Probate shall issue a certificate of exemption to a person exempt from the payment of poll tax by reason of this section under such rules and regulations as may be prescribed by the governor. This section shall be self-executing and retroactive; but the Legislature is authorized to enact laws designed to carry out the purposes of this section", and to order an election by the qualified electors of the state upon such proposed amendment to be held on the date of the General Election to be held in November 1944.

And ordered same sent fortwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time at length as required by the Constitution and referred to appropriate Standing Committee as follows:

H. 1, to the Committee on Constitution and Constitutional Revision and Amendments.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Norman of Bullock:

H. 6. To set up in the State treasury a fund to be known as the Alabama Special Educational Trust Fund Surplus Account.

Also:

By Mr. Stell:

H. 214. To amend Section 3 of Title 54 of the Code of Alabama, 1940.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to Appropriate Standing Committees as follows:

H. 6, to the Committee on Finance and Taxation

H. 214. to the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 50. To provide for the allocation of funds for the administration of assistance to needy blind persons.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Edwards:

H.J.R. 17—Whereas, Alabama, due to its geographical location and to the presence within its borders of many of the most vital essential war industries, is particularly exposed and subject to attack by the enemy; and

Whereas, The population of the State of Alabama has, due to the influx of workers in war industries, increased hundreds of thousands during the past year; and

Whereas, We may anticipate a marked increase in the total number of deaths which will occur in Alabama during the ensuing year, due to such increase in population and possible attack by the enemy; and

Whereas, The reverent and religious burial of the dead is fundamental in the American way of life; and

Whereas, The proper scientific and prompt disposal of the human dead is essential to the public health and welfare; and

Whereas, The inroads made by the armed forces and war production industries on manpower have seriously affected and threaten to disrupt the facilities for the care of the dead in Alabama, now, therefore, be it

RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, THE SENATE THEREOF CONCURRING, That the War Manpower Commission, through its local agencies and boards, the Office of Price Administration, through its gasoline rationing boards and the War Production Board, through its regional offices be requested to give the necessary priority relief and assistance to those organizations and individuals engaged in the essential activity of caring for the dead; and that the War Manpower Commission, under the chairmanship of the Honorable Paul V. McNutt, be and it is hereby requested to place the funeral and cemetery service industry on the list of essential activities; and be it further

RESOLVED, That a copy of this resolution be forthwith forwarded to the Honorable Paul V. McNutt, Chairman of the War Manpower Commission, to the various regional offices of the War Production Board in Alabama and to the Honorable Prentiss M. Brown, Administrator of the Office of Price Administration.

And sends same to the Senate for its consideration.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The resolution, H. J. R. 17, set out in the foregoing Messagt from the House was read and referred to the Standing Committee on Rules.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the eleventh day and finds same correct and containing all original entries and references thereto require by the Constitution.

Jim Smith, Jr.,
Chairman.

COMMITTEE REPORT

On motion of Mr. Smith, the foregoing report was concurred in and the Journal of the Senate for the eleventh day approved by the Senate.

ADJOURNMENT

At 12:35 P. M., on motion of Mr. Cobb, the Senate adjourned until tomorrow, Wednesday, May 19, 1943 at ten o'clock A. M.

SIXTEENTH DAY

Wednesday, May 19, 1943.

The Senate met pursuant to adjournment, Lieutenant-Governor Ellis, presiding.

PRAYER

The session was opened with Prayer by Dr. Charles F. Leek, of the Highland Avenue Baptist Church, Montgomery.

ROLL CALL

Present:

Messrs.:	Dodson	Kelly	St. John (Lawrence)
Benson	Espy	Kilborn	Shaver
Bentley	Garrett	Lawson	Sherrer
Black	Goodwin	Madison	Simpson
Bradford	Henderson	McCary	Smith
Brown	High	Newton	Taylor
Carlton	Hill	Pinson	Toomer
Cater	Hornsby	St. John (Cullman)	Walton
Cobb	Jones		—33

JOURNAL

On motion of Mr. Goodwin, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bill with the engrossed and original bill, respectively, and finds same correctly enrolled, to-wit:

S. 50. To provide for the allocation of funds for the administration of assistance to needy blind persons.

Sam High,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. McCary:

S. 223.To Amend Section 111 of Title 17 of the Code of Alabama of 1940.

Committee on Privileges and Elections.

By Mr. McCary:

S. 224. To provide additional compensation for election officials for attending schools of instruction regarding the use and operation of voting machines in all counties and municipalities or other political sub-divisions of the State, in which elections are conducted by voting machines; and to provide for the manner of paying said compensation.

Committee on Privileges and Elections.

By Mr. Walton:

S. 225. To amend Section 8 Title 26 of the 1940 Code.

Committee on Finance and Taxation.

By Mr. Sherrer:

S. 226. To submit to the qualified voters of the State of Alabama, at an election to be held the first Tuesday after the first Monday in October, 1943, for their consideration, an amendment to the Constitution of Alabama, viz: that there be and there is hereby levied an additional one per cent license or sales tax on all transactions or subjects as now provided for the levy of such tax in Chapter 1 of Title 51 of the Code of 1940, which tax shall be in addition to all other taxes now levied or collected and in addition to the two per cent license or sales tax now provided, and which tax shall be collected and one half of the same paid to the

State of Alabama and one half to the counties in proportion to the amount raised or collected from transaction belonging to or arising in said counties, and all of said tax to be used exclusively by the state and by the counties solely for old age pensions, to be administered under the laws affecting old age assistance as now or may hereafter be provided.

Committee on Constitution and Constitutional Revision and Amendments.

The above bill was read one time at length as required by the Constitution.

By Mr. Sherrer:

S. 227. To Amend sub-section "J" of Section 2, Title 51, of the 1940 Code of Alabama by striking out Section "J" and inserting in lieu thereof as follows:

Committee on Judiciary.

By Mr. Kelly:

S. 228. To amend Section 15, Title 55, Code 1940.

Committee on Finance and Taxation.

REPORTS OF COMMITTEES

Mr. Shaver, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Kilborn:

S. 85. To amend Section 15 of Title 24 of the Code of Alabama of 1940.

By Mr. Kilborn:

S. 86. To Amend Section 17 of Title 24 of the Code of Alabama of 1940.

By Mr. Kilborn:

S. 212. To Repeal Section 203 of Title 2 of the Code of Alabama of 1940.

By Mr. Sullivan (with amenment):

H. 85. To create and establish a State Defense Council; to provide for its organization and to define its powers and duties;

to create the office of State Director of Civilian Defense; to fix his compensation and to define his powers and duties; to provide for the creation and establishment of local defense councils; to provide for their organization and to define their powers and duties; to provide for the appointment of local directors of civilian defense and to define their powers and duties and provide for their method of compensation; to authorize and empower reciprocal aid agreements betwten the political sub-divisions of the State relating to services, supplies, and facilities in aid of civilian defense; to provide for the utilization of existing services and facilities of the State and political subdivisions of the State in aid of civilian defense; to provide for the coordination of the State and local defense councils with the Federal government and the armed forces of the United States; to provide the method whereby the rules and regulations made pursuant to this act become effective; to provide for the immunity from liability of the State, its representatives, and employees, and any political sub-divisions, its representatives and employees, and any civilian defense worker complying with the provisions of this act; to provide for appropriations to carry out the provisions of this act; to provide penalties for the violation of this act and of the rules adopted pursuant thereto; to repeal all laws and parts of laws in conflict with the provisions of this act; and to provide when this act shall take effect and when it shall terminate.

By Cole and Gullatt:

H. 119. To fix the time of holding the Circuit Court of Russell County, Alabama.

Mr. Lawson, Chairman of the Standing Committee on Banking reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Kilborn:

S. 221. To provide for the Payment of the Expenses of Examining Credit Unions.

By Mr. Toomer:

S. 177. To regulate and authorize time and methods for presentment, acceptance, dishonor, notice of dishonor and protest of negotiable instruments and checks; and to permit banks in possession or custody of such instruments or checks to handle according to current bank custom; and to permit banks at or by which they are payable to retain same until close of business day

next following receipt without constituting acceptance; and to prescribe a method of dishonor of such instruments and checks; and to permit dishonor, protest and return of such instruments and checks on business day next after their receipt.

By Mr. Toomer:

S. 176. Concerning statements of account between bank or trust company and depositor, and fixing a limit of time for questioning the correctness thereof.

By Mr. Toomer:

S. 175. To regulate bank deposits made by any person in trust for another, and to permit payment thereof to person for whom deposit was made, whether adult or minor, upon death of trustee, when no other or further notice of existence and terms of legal and valid trust shall have been given in writing to and received by bank.

By Mr. Espy:

S. 174. Concerning, and defining, and limiting liability for participation in breaches of fiduciary obligations, and to make uniform the law with reference thereto.

Mr. Cobb, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Cobb (with notice and proof):

S. 208. To create the office of County Solicitor of Cherokee County; to provide for his election, and the method of appointment in the event of a vacancy; to fix his salary and define his powers and duties; and to repeal all general and local laws in conflict herewith so far as they relate to Cherokee County.

By Mr. Cobb (with notice and proof):

S. 217. To establish a Law and Equity Court for Cherokee County, Alabama; to define its jurisdiction and powers; to provide for its officers, their powers and duties and compensations, to provide that said court shall be open at all times for the trial of cases and transaction of business; to provide the rules and procedure of said court; to provide a fine and forfeiture fund for said court; to provide for the transfer of certain causes now or hereafter pending in the Circuit Court and the Juvenile Court of Cherokee County, Alabama, to the Cherokee Law and Equity

Court; and to abolish the County Court of Cherokee County, Alabama; and to give the said court Juvenile Jurisdiction.

By Mr. Cobb (with notice and proof):

S. 210. To fix the salary of the Judge of Probate of Cherokee County, Alabama, The Tax Collector of Cherokee County, the Tax Assessor of Cherokee County, the Clerk of the Court of Cherokee County, the Register in Chancery of Cherokee County, the Deputy Solicitor of Cherokee County, the Sheriff of Cherokee County; to provide for his deputies and to provide for clerical assistance and other expenses of said offices of Probate Judge and Sheriff; to require each of said officers to collect all the fees, compensation and allowances heretofore collected by said officers and which may hereafter be collected by said officers and cover same into the County Treasury on or before the fifth day of each month, and to provide for the payment of the salary of clerical assistance and other office expense by the Treasury of the County.

Mr. Garrett, Chairman of the Standing Committee on Agriculture, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Henderson (with amendment):

S. 74. To amend Section 78 Title 8 of the Code of Alabama of 1940.

By Mr. Henderson:

S. 71. To amend Title 8 Section 68 of the Code of Alabama of 1940.

By Mr. Henderson:

S. 127. To amend Section 21, Title 8, Code of Alabama 1940.

By Mr. Henderson (with amendment):

S. 73. To amend Section 63 Title 8 of the Code of Alabama of 1940.

By Mr. Henderson:

S. 72. To repeal Section 62 Title 8 of the Code of Alabama of 1940.

By Messrs. Givhan and Green:

H. 30. To promote the agricultural interests of the State of Alabama by providing for the inspection, grading, standardization, classification, refrigeration, dehydration (for both food and feed), canning, packing, processing, cold storage, and marketing

of agricultural products, including all staple food crops, fruits, vegetables, poultry, dairy products, fish, and kindred products; and for such purposes to create a public board, to be known as the Alabama State Markets Board, to provide for the acquisition, equipment, operation, and maintenance of a public market or markets; to define the duties, powers, and authority of said board; and to appropriate public funds for such purposes.

Mr. Jones, Chairman of the Standing Committee on Public Health, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Jones:

S. 37. To amend Section 118 of Title 22 of the 1940 Code of Alabama, relating to public health.

By Mr. Jones:

S. 41. To amend Sections 19, 21, 22, 24, 25, 26, 27, 33, 34, 37, 38, 39, 40 and 42 of Title 22 of the 1940 Code of Alabama, all relating to public health.

By Mr. Jones:

S. 42. To provide for the registration of foundlings and a foundling report.

By Mr. Jones:

S. 43. To provide for court procedure to establish the facts of birth; to prescribe the method of giving notice of such court proceedings and to confer jurisdiction of such matter on the probate courts, circuit courts, or courts of like jurisdiction; to fix the amount of court costs to be charged and to provide for the filing and recording of a certified copy of the decree of said court in the office of the judge of probate of said county; and also in the office of the Registrar of Vital Statistics of Alabama; and to provide for the issuance of delayed certificates of birth based on said decree of court in the method provided by Title 22, Section 42, Code of 1940.

By Mr. Jones:

S. 44. To prohibit the indiscriminate disclosure of certain records filed with the state registrar of vital statistics and local custodians of birth and death certificates.

By Mr. Jones (with amendment):

S. 39. To amend Sections 95, 96 and 278 of Title 22 of the 1940 Code of Alabama, all relating to public health.

By Mr. Jones:

S. 45. To provide for the control of the use of poisons and gases that are harmful to human beings, in the destruction of insects, vermin, rodents, or other pests.

Mr. Lawson, Chairman of the Standing Committee on Banking, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with an adverse report and it was read a second time and placed on the adversed calendar, to-wit:

By Mr. Kilborn:

S. 214. To transfer the offices of Security Commissioner from the Attorney General to the Director of the Department of Commerce and to vest the powers of that office in the Director of the Department of Commerce.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Givhan:

H. 315. To prescribe the duties and fix additional compensation to that now allowed by law for the Coroner of Dallas County, Alabama and to provide payment for the performance of such.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

The Legislature of Alabama will be requested to pass the following local law at the Regular 1943 Session; which law shall be substantially as follows:

AN ACT

To prescribe the duties and fix additional compensation to that now allowed by law for the Coroner of Dallas County, Alabama and to provide payment for the performance of such.

Be it Enacted by the Legislature of Alabama:

Section 1. That the Coroner of Dallas County, Alabama shall perform all of the duties and receive compensation therefor, as heretofore required of the Coroner by the laws of Alabama, and in addition thereto it shall be the duty of such Coroner to investigate the death of person or persons killed or who died as result of accident, or those who died under such circumstances as to afford a reasonable ground for belief that such death resulted by the act of

another by unlawful means or those who died without the attendance of a practicing physician. Said Coroner, in the absence of a physician, shall forthwith make inquiry into such death or deaths and shall sign the death certificate in his official capacity. Upon such investigation said Coroner shall take into his possession the body of the deceased, together with his or her personal effects, and hold same in a suitable place until claimed by the relatives, administrators, executors or heirs of the deceased, or as otherwise provided for by law. The purposes of this Act should not be construed to in any way change the present law as to the holding of inquisitions.

Section 2. That the Coroner of Dallas County, Alabama shall receive as his compensation for the investigation of each death the sum of $2.50 and in addition thereto shall be allowed the sum of 5c per mile for actual miles traveled in the performance of his duties; said compensation to be in addition to that now allowed by law.

Section 3. That all laws and parts of laws in conflict with provisions of this Act are hereby expressly repealed.

Section 4. That this Act shall become effective upon its passage and approval by the Governor.

THE COURT OF COUNTY REVENUES
OF DALLAS COUNTY, ALABAMA.
16-23-30-7

THE STATE OF ALABAMA,
DALLAS COUNTY.

Before me, Eugenia B. Gusdorf, a Notary Public in and for said County in said State, personally appeared Mary H. Raiford who is known to me, and who, being duly sworn by me deposes and says on oath that she is the Publisher of The Selma Times-Journal, a daily newspaper published in Selma, Dallas County, Alabama, and that the foregoing notice, a true copy of which is hereto attached, was published in The Selma Times-Journal once a week for four consecutive weeks prior to this date, the same having been published on April 16, 1943, April 23, 1943, April 30, 1943 and May 7, 1943.

MARY H. RAIFORD, Publisher.

Sworn to and subscribed before me by Mary H. Raiford this the 7 day of May, 1943.

EUGENIA B. GUSDORF,
(Seal) Notary Public, Dallas County, Alabama.

Also:

By Mr. Givhan and Mr. Molette:

H. 316. For relief of Mrs. Joseph E. Fort, compensation for the death of her husband, Joseph E. Fort, deceased, of Dallas County, Alabama, while he was in the line of and performing his duty as a road employee for the County of Dallas, State of Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

Notice and proof H. 316:

NOTICE

The Legislature of Alabama will be requested to pass the following local law at the Regular 1943 Session; which law shall be substantially as follows:

An Act

For relief of Mrs. Joseph E. Fort, compensation for the death of her husband, Joseph E. Fort, deceased, of Dallas County, Alabama, while he was in the line of and performing his duty as a road employee for the County of Dallas, State of Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1. That The Court of County Revenues of Dallas County, Alabama, be and they are hereby authorized to pay to Mrs. Joseph E. Fort the sum of $1,000.00 as compensation to her for the death of her husband, Joseph E. Fort, which occurred on the 2nd day of November, 1939, and while the said Joseph E. Fort was working as an employee in the line of and performing his duties as an employee of the Road Department of Dallas County, Alabama and under such circumstances that the widow has no recourse at law to recover damages or compensation for his death. That The Court of County Revenues of Dallas County, Alabama be and they are hereby authorized and empowered to pay said compensation out of the county treasury.

Section 2. This Act shall take effect on its passage and approval by the Governor.

THE COURT OF COUNTY REVENUES
OF DALLAS COUNTY, ALABAMA.
16-23-30-7

THE STATE OF ALABAMA,
DALLAS COUNTY.

Before me Eugenia B. Gusdorf, a Notary Public in and for said County in said State, personally appeared Mary H. Raiford who is known to me, and who, being duly sworn by me deposes and says on oath that she is the Publisher of The Selma Times-Journal, a daily newspaper published in Selma, Dallas County, Alabama, and that the foregoing notice, a true copy of which is hereto attached, was published in The Selma Times-Journal once a week for four consecutive weeks prior to this date, the same having been published on April 16, 1943, April 23, 1943, April 30, 1943 and May 7, 1943.

MARY H. RAIFORD, Publisher.

Sworn to and subscribed before me by Mary H. Raiford this the 7 day of May, 1943.

EUGENIA B. GUSDORF,
(Seal) Notary Public, Dallas County, Alabama.

Also:
By Mr. Givhan:

H. 317. To Authorize, empower and require the County Board of Education of Dallas County, Alabama to pay the costs and expenses of the biennial school census of said County, to purchase and procure any and all necessary items and services, to pay all of the expenses in connection with the operation of the office of the County Board of Education, its officers and agents thereof, and to pay for the same from County school funds.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

The Legislature of Alabama will be requested to pass the following local law at the Regular 1943 Session; which law shall be substantially as follows:

An Act

To Authorize, empower and require the County Board of Education of Dallas County, Alabama to pay the costs and expenses of the biennial school census of said County, to purchase and procure any and all necessary items and services, to pay all of the expenses in connection with the operation of the office of the County Board of Education, its officers and agents thereof, and to pay for the same from County school funds.

Be it Enacted by the Legislature of Alabama:

Section 1: That the County Board of Education of Dallas County, Alabama, be and they are hereby authorized, empowered and required to pay the costs and expenses of the biennial school census of said County out of the County school funds of Dallas County, Alabama.

Section 2: That the County Board of Education be and they are hereby authorized, empowered and required to purchase and procure any and all necessary items and services and to pay all expenses in connection with the operation of the County Board of Education, its officers and agents, and to pay for the same from school funds. Such authority shall include, without limiting the generality of the same, the purchase and procurement of office equipment, supplies, stationery, postage, post office box rent and telephone and telegraph tolls.

Section 3: All laws and parts of laws in conflict hereto are hereby repealed.

Section 4: This Act shall take effect immediately upon its passage and approval by the Governor or its otherwise becoming a law.

THE COURT OF COUNTY REVENUES
OF DALLAS COUNTY, ALABAMA.

16-23-30-7

THE STATE OF ALABAMA,)
DALLAS COUNTY.)

Before me, Eugenia B. Gusdorf, a Notary Public in and for said County in said State, personally appeared Mary H. Raiford who is known to me, and who, being duly sworn by me deposes and says on oath that she is the Publisher of The Selma Times-Journal, a daily newspaper published in Selma, Dallas County, Alabama, and that the foregoing notice, a true copy of which is hereto attached, was published in The Selma Times-Journal once a week for four consecutive weeks prior to this date, the same having been published on April 16, 1943, April 23, 1943, April 30, 1943 and May 7, 1943.

MARY H. RAIFORD, Publisher.

Sworn to and subscribed before me by Mary H. Raiford this the 7 day of May, 1943.

(Seal)

EUGENIA B. GUSDORF,
Notary Public, Dallas County, Alabama.

Also:

By Mr. Coburn:

H. 275. To authorize, empower, and direct the Board of Revenue or Court of County Commissioners or other like governing

body of Colbert County, Alabama, to provide for and furnish to the deputy or County Solicitor for said County suitable office space in Colbert County, Alabama, and office supplies, stationery and telephone for said office, and to provide for the payment of rent for said office and for the payment of said office supplies, stationery, and telephone by warrants drawn by the Judge of the Probate Court as chairman of the Board of Revenue or Court of County Commissioners or other like governing body for said County, out of the general funds of said County.

With notice and proof thereto attached and herewith exhibited as follows:

State of Alabama, Colbert County.

Notice is hereby given that the following local bill in substance will be introduced in the Legislature of Alabama at the regular session of the Legislature of Alabama, which session will convene on May 4, 1943:

AN ACT

A bill to be entitled "An Act" to authorize, empower and direct the Board of Revenue or Court of County Commissioners or other like governing body of Colbert County, Alabama, to provide for and furnish to the deputy or County Solicitor for said County suitable office space in Colbert County, Alabama, and office supplies, stationery and telephone for said office, and to provide for the payment of rent for said office and for the payment of said office supplies, stationery and telephone by warrants drawn by the Judge of the Probate Court as chairman of the Board of Revenue of Court of County Commissioners or other like governing body for said County, out of the general funds of said County.

Be it enacted by the Legislature of Alabama:

Section 1. That the Board of Revenue or Court of County Commissioners or other like governing body for Colbert County, Alabama, shall provide for or furnish to the deputy or county solicitor for said County suitable office space in Colbert County, Alabama and shall provide office supplies, typewriter, stationery and telephone for said office, and shall rent said office in Colbert County, Alabama.

Section 2. That the Judge of the Probate Court acting as chairman of the Board of Revenue or Court of County Commissioners or other like governing body for said County shall pay for said office rent, office supplies, typewriter, stationery and telephone by drawing warrants on the County Treasurer of said County out of the general fund of said County.

Section 3. That if any clause, sentence, paragraph or section of this act be declared unconstitutional by a court of competent jurisdiction, the same shall not affect any other clause, paragraph or section of this act.

Section 4. That all laws and parts of laws, whether special, local, or general, in conflict herewith, are hereby expressly repealed.

Section 5. This act shall go into effect immediately upon its approval by the governor.

2-26-4tc

STATE OF ALABAMA,
COUNTY OF MONTGOMERY.

Before me, Mrs. Homer L. Slaughter, a Notary Public in and for said State and County, this day personally appeared, Paul Coburn, who being by me first duly sworn, deposes and says that he is the Editor and Proprietor of the Muscle Shoals Advertiser, a newspaper of general circulation published in Colbert County, Alabama; that the above and foregoing notice was published once a week for four consecutive weeks in the Muscle Shoals Advertiser, on to wit: February 26, 1943; March 5, 1943; March 12, 1943; and March 19, 1943, without cost to the State of Alabama.

PAUL COBURN
Editor and Proprietor
Muscle Shoals Advertiser

Sworn to and subscribed before me this the 11th day of May, 1943.

MRS. HOMER L. SLAUGHTER
Notary Public
Montgomery County, Alabama.

(Seal)

Also:

By Mr. Coburn:

H. 276. To allow the Sheriff of Colbert County, Alabama, an additional deputy sheriff to that now provided by law; to fix the salary of said deputy and to make the same payable out of the General Funds of Colbert County in monthly installments.

With notice and proof thereto attached and herewith exhibited as follows:

AN ACT

State of Alabama, Colbert County.

Notice is hereby given that the following Local Bill in substance will be introduced in the Legislature of Alabama at the Regular Session of the Legislature of Alabama which Session will convene May 4, 1943:

A BILL TO BE ENTITLED AN ACT to allow the Sheriff of Colbert County, Alabama, an additional deputy sheriff to that now provided by law; to fix the salary of said deputy and to make the same payable out of the General Funds of Colbert County in monthly installments.

Be it enacted by the Legislature of Alabama:

Section 1. That the Sheriff of Colbert County is hereby allowed an additional deputy to the deputies now provided by law, which said deputy shall receive a salary of Fifteen Hundred Dollars ($1500.00) per annum, to be paid in twelve equal monthly installments out of the General Funds of said County; that said deputy sheriff shall be eligible to perform the duties of deputy sheriff anywhere in said County.

Section 2. That on the first day of each month a statement of the name and amount due said deputy sheriff shall be furnished to the Court of County Commissioners by the sheriff and shall thereupon be the duty of the said County to order a warrant drawn upon the General Funds of

the County payable to said deputy sheriff for the amount of one month's salary as herein above provided.

Section 3. That all laws and parts of laws in conflict with this Act are hereby expressly repealed, and this Act shall be in full force and effect from the date of its approval by the Governor.

2-19-4tc O. H. McRIGHT, Sheriff.

STATE OF ALABAMA,
COUNTY OF MONTGOMERY.

Before me, Mrs. Homer L. Slaughter, a Notary Public in and for said State and County, this day personally appeared, Paul Coburn, who being by me first duly sworn, deposes and says that he is the Editor and Proprietor of the Muscle Shoals Advertiser, a newspaper of general circulation published in Colbert County, Alabama; that the above and foregoing notice was published once a week for four consecutive weeks in the Muscle Shoals Advertiser, on to wit: February 19, 1943; February 26, 1943; March 5, 1943; and March 12, 1943, without cost to the State of Alabama.

PAUL COBURN
Editor and Proprietor
Muscle Shoals Advertiser

Sworn to and subscribed before me this the 11th day of May, 1943.

MRS. HOMER L. SLAUGHTER
Notary Public
Montgomery County, Alabama

(Seal)

Also:

By Mr. Coburn:

H. 277. To provide that all official offices in the Court House of Colbert County, Alabama, may close at noon on one day in each week during the year; to provide the fixing of the day for closing and notice thereof.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that the following local bill in substance will be introduced in the Legislature of Alabama at the regular session of said Legislature, which session will convene on May 4, 1943.

AN ACT

A bill to be entitled "An Act to provide that all official offices in the Court House of Colbert County, Alabama, may close at noon on one day in each week during the year; to provide the fixing of the day for closing and notice thereof."

BE IT ENACTED by the Legislature of Alabama:

Section 1. That all official officers in the Court House of Colbert County, Alabama, are hereby authorized and empowered to close at noon on one day in each week during the year.

Section 2. That the day on which said offices of the County are to be closed shall be the same for all offices and shall be designated by order of the Probate Judge of Colbert County, a copy of which order shall be published one time in a newspaper published in Colbert County, and a copy shall also be posted at the Court House door of Colbert County not less than ten days prior to the closing of the offices.

Section 3. This Act shall take effect immediately upon its passage and approval by the Governor. 12-4tc

STATE OF ALABAMA,
COUNTY OF MONTGOMERY.

Before me, Mrs. Homer L. Slaughter, a Notary Public in and for said State and County, this day personally appeared, Paul Coburn, who being by me first duly sworn, deposes and says that he is the Editor and Proprietor of the Muscle Shoals Advertiser, a newspaper of general circulation published in Colbert County, Alabama; that the above and foregoing notice was published once a week for four consecutive weeks in the Muscle Shoals Advertiser, on to wit: March 12, 1943; March 19, 1943; March 26, 1943; and April 1, 1943, without cost to the State of Alabama.

PAUL COBURN
Editor and Proprietor
Muscle Shoals Advertiser

Sworn to and subscribed before me this the 11th day of May, 1943.
MRS. HOMER L. SLAUGHTER,
Notary Public,
Montgomery County, Alabama.

(Seal)

Also:

By Mr. Bennett of Calhoun:

H. 213. To amend Section 1 of "An Act to abolish the office of coroner in Calhoun County, Alabama and to require the Board of Revenue of Calhoun County, Alabama or other governing body of said county to perform the duties now or which may hereafter be by law required of coroners in the State of Alabama; to invest said Board of Revenue of Calhoun County, Alabama, or other governing body of said county with all the rights and powers of such coroner; to authorize said Board of Revenue of Calhoun County or other governing body of said county to designate such representative or agent as may be necessary for the discharge of such duties; and to fix a term and compensation for such representative or agent as may be so designated", approved September 11, 1939.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that a bill will be introduced at the next regular session of the Legislature, in substance as follows:

A BILL TO BE ENTITLED AN ACT

To amend Section 1 of "An Act" to abolish the office of coroner in Calhoun County, Alabama and to require the Board of Revenue of Calhoun County, Alabama or other governing body of said county to perform the duties now or which may hereafter be by law required of coroners in the State of Alabama; to invest said Board of Revenue of Calhoun County, Alabama or other governing body of said county with all the rights and powers of such coroner; to authorize said Board of Revenue of Calhoun County or other governing body of said county to designate such representative or agent as may be necessary for the discharge of such duties; and to fix a term and compensation for such representative or agent as may be so designated," approved September 11, 1939.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

That Section 1 of an act entitled "An Act to abolish the office of coroner in Calhoun County, Alabama and to require the Board of Revenue of Calhoun County, Alabama or other governing body of said county to perform the duties now or which may hereafter be by law required of coroners in the State of Alabama; to invest said Board of Revenue of Calhoun County, Alabama or other governing body of said county with all the rights and powers of such coroner; to authorize said Board of Revenue of Calhoun County or other governing body of said county to designate such representative or agent as may be necessary for the discharge of such duties; and to fix a term and compensation for such representative or agent as may be so designated," approved September 11, 1939, be and the same is hereby amended so as to read as follows:

Section 1. That in Calhoun, Alabama the office of coroner is hereby abolished and all the powers, rights and duties now authorized or required by law, or which may be hereafter authorized or required by law to be performed by coroners in this state shall be exercised and performed by the Board of Revenue of said county or other governing body of said county through a representative or agent of such Board of Revenue or other governing body of said county to be appointed by it. Such agent or representative when appointed shall serve for a period or term of four years and shall receive an annual salary of six hundred dollars to be paid out of the county treasury in equal monthly installments, this salary to be in lieu of all other fees, mileage and expenses whatsoever. Provided, however, that when the office of Sheriff is vacant or when the Sheriff is imprisoned or is a party to any litigation, that the Chairman of the Board of Revenue or other governing body of said county, or the designated agent or representative of the Board of Revenue or other governing body of said county shall perform the duties of Coroner.

April 12, 19, 26; May 3

STATE OF ALABAMA)
COUNTY OF MONTGOMERY)

Before me, Agnes Baggett, a Notary Public in and for said State and County, this day personally appeared Ralph W. Callahan, who being by me first duly sworn, deposes and says that he is the Business Manager of The Anniston Star, a newspaper of general circulation published in Calhoun County, Alabama; that the above and foregoing notice was published once a week for four consecutive weeks in The Anniston Star, on to wit: April 12, 1943; April 19, 1943; April 26, 1943; and May 3, 1943, without cost to the State of Alabama.

RALPH W. CALLAHAN,
Business Manager, The Anniston Star.

Sworn to and subscribed before me, this the 4 day of May, 1943.

Also:

By Mr. Dobbs and Mr. Golson of Elmore:

H. 266. To provide for the payment of traveling expenses of the Chief Deputy Sheriff of Elmore County, Alabama, in the performance of his official duties.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that at the next meeting or convening of the Legislature of the State of Alabama, application will be made for the passage of a certain bill the substance of which is as follows:

AN ACT

To provide for the payment of traveling expenses of the Chief Deputy Sheriff of Elmore County, Alabama.

Be it enacted by the Legislature of Alabama:

Section I. That in addition to the compensation now provided by law to be paid to the Chief Deputy Sheriff of Elmore County, Alabama, he shall be paid for traveling in the performance of his official duties as such Chief Deputy Sheriff at the rate of five cents (5c) per mile in all cases where he provides his own vehicle and pays for operating the same.

Section II. The said Chief Deputy Sheriff shall be paid for such mileage as provided for in the preceding section each month for the number of miles so traveled during the preceding month, and claims therefor shall be filed with the Court of County Commissioners of Elmore County and payment made all in the manner as now provided by law for presentation and payment of other claims against the county.

Section III. This act shall go into effect immediately upon its passage and approval.

1apr4t

The State of Alabama,
Elmore County.

Before me the undersigned authority personally appeared H. H. Golson, who by me first being duly sworn deposes and says that he is the Publisher of The Wetumpka Herald, a weekly newspaper publish at Wetumpka, in Elmore County, Alabama, and that the attached notice An Act: To Provide for the payment of traveling expenses of the Chief Deputy Sheriff of Elmore County, Alabama, was published in said newspaper for 4 successive weeks towit: April 1, 8, 15, 22, 1943.

H. H. GOLSON,
Publisher of, The Wetumpka Herald.

Sworn to and subscribed before me this the 4 day of May, 1943.

ELAINE PEAVY, Notary Public.

Also:

By Mr. Ard:

H. 280. An act to repeal an Act of the Legislature of Alabama, approved June 27, 1927, entitled "An Act to provide for the election of a County Superintendent of Education for Dale County, Ala-

bama, to fix his term of office, to prescribe his salary and the manner of payment, to define his qualifications, powers, and duties, and to provide for the election of his successor in office."

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL BILL

Notice is hereby given that a Local Bill will be introduced at the present session that meets in May, 1943, of the Legislature of Alabama, the substance of which shall be as follows:

A BILL
TO BE ENTITLED
AN ACT

An Act to repeal an Act of the Legislature of Alabama, approved June 27, 1927, entitled "An Act to provide for the election of a County Superintendent of Education for Dale County, Alabama, to fix his term of office, to prescribe his salary and the manner of payment, to define his qualifications, powers, and duties, and to provide for the election of his successor in office."

Be it enacted by the Legislature of Alabama:

Section 1. That the Act of the Legislature of Alabama approved June 27, 1927, entitled "An Act to provide for the election of a County Superintendent of Education for Dale County, Alabama, to fix his term of office, to prescribe his salary and the manner of payment, to define his qualifications, powers, and duties, and to provide for the election of his successor in office," be and the same is hereby repealed.

Section 2. Nothing in this Act shall be construed so as to interfere with the tenure of office of the present county superintendent of education and the term for which he has been duly elected and qualified.

Section 3. If any part of this act shall be found unconstitutional, the rest shall stand.

Section 4. This act shall go into effect on its passage and approval by the Governor.

STATE OF ALABAMA,
DALE COUNTY.

Before me, a notary public in and for said county and state, personally appeared Mrs. Vivian Adams, who deposeth and sayeth that she is the publisher of THE SOUTHERN STAR, a weekly newspaper published in said County and State, and that the notice attached hereto was published for 4 consecutive weeks, as follows:

April 8, 1943; April 15, 1943; April 22, 1943; April 29, 1943.

Signed: MRS. VIVIAN ADAMS,
Publisher.

Sworn to and subscribed before me this 10 day of May, 1943.

LUCILE B. MARTIN,
Notary Public.

My Commission expires 6-28, 1944.
(Seal)

Also:

By Mr. Ard:

H. 278. To establish an inferior court in precinct 1 in Dale County, Alabama, in lieu of all justices of the peace and notaries public with powers of justices of the peace in said precinct to be known as Court of Common Pleas of Ozark, Alabama; to prescribe the qualifications and the terms of office of the judge of said court, his compensation and the method of payment thereof; to provide for the election of the first judge of said court, the election of his successor at the general election held in the State every fourth year thereafter; to provide for the filling of any vacancy in the office of the judge; to provide for an appointment of a temporary judge and his compensation in the event of the temporary absence or disqualification or disability of the regular judge; to prescribe powers, jurisdiction and duties of said Court and the judge thereof and the pains and penalties of the judge of said court; to prescribe the procedure of said court and the manner of taking appeals therefrom to provide for the execution of the process of said Court; to require all court costs, fines, forfeiture and penalties to be paid in lawful money and when collected paid to the depository of the County and to be kept in a separate fund to be known as, "The Inferior Court Funds;" to provide for the payment of the salary of the judge of the inferior court, for the necessary stationery of said court out of the inferior court fund; to provide that on the first day of January of each year after all previous claims against said fund have been paid that the excess remaining in the inferior court fund be transferred and paid into the fine and forfeiture fund of the County; to abolish the office of justice of the peace and notary public with powers of a justice of the peace in said precinct; to provide for the transfer of all cases pending in the courts of the justices of the peace and notary public with powers of justice of the peace in said precinct to the inferior court of said precinct and for the enforcement of all judgments uncollected in said courts; to provide when this Act shall take effect.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

TO WHOM IT MAY CONCERN:

Take notice that there will be introduced in the Legislature of Alabama, at the 1943 Session, a local bill in words and figures as follows, which Bill the Legislature will be requested to pass.

A BILL
TO BE ENTITLED
AN ACT

To establish an inferior court in precinct 1 in Dale County, Alabama, in lieu of all justices of the peace and notaries public with powers of justices of the peace in said precinct to be known as Court of Common Pleas of Ozark, Alabama; to prescribe the qualifications and the terms of office of the judge of said court, his compensation and the method of payment thereof, to provide for the election of the first judge of said court, the election of his successor at the general election held in the State every fourth year thereafter; to provide for the filling of any vacancy in the office of the judge; to provide for an appointment of a temporary judge and his compensation in the event of the temporary absence or disqualification or disability of the regular judge; to prescribe powers, jurisdiction and duties of said Court and the judge thereof and the pains and penalties of the judge of said court; to prescribe the procedure of said court and the manner of taking appeals therefrom to provide for the execution of the process of said Court; to require all court costs, fines, forfeitures and penalties to be paid in lawful money and when collected paid to the depository of the County and to be kept in a separate fund to be known as, "The Inferior Court Funds;" to provide for the payment of the salary of the judge of the inferior court, for the necessary stationery of said court out of the inferior court fund; to provide that on the first day of January of each year after all previous claims against said fund have been paid that the excess remaining in the inferior court fund be transferred and paid into the fine and forfeiture fund of the County; to abolish the office of justice of the peace and notary public with powers of a justice of the peace in said precinct; to provide for the transfer of all cases pending in the courts of the justices of the peace and notary public with powers of justice of the peace in said precinct to the inferior court of said precinct and for the enforcement of all judgments uncollected in said courts; to provide when this Act shall take effect.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1: That there is hereby established in precinct 1 of Dale County, Alabama, a precinct lying partly within the City of Ozark, a city of more than 3500 population, an inferior court in lieu of all justices of the peace and notaries public with power of justice of the peace in said precinct, said court to be known as "The Court of Common Pleas of Ozark, Alabama."

SECTION 2: That said court and the judge thereof shall have and exercise all the jurisdiction, power and authority, and shall perform all the duties that are now or may hereafter be conferred by law on justices of the peace in civil and criminal cases, and such preliminary jurisdiction as is now or may be hereafter conferred by law on justices of the peace.

SECTION 3: That said court shall conform to and be governed by the rules of practice and procedure that are now or that may hereafter be made applicable to justices of the peace in this state.

SECTION 4: That there shall be one judge of said court, who at the time of his election or appointment shall be a resident of precinct 1, Dale County, Alabama, twenty-one years of age or over. The first judge of said court shall be elected by the qualified electors of precinct one of Dale County, Alabama, at the general election to be held on the first Tuesday after the first Monday in November, 1946, and shall assume the duties of office on the first Monday after the second Tuesday in January following

his election, and shall hold office for a period of four years and until his or her successor is elected and qualified. That a judge of said court shall be elected at the general election for state and county officers thereafter each four years from the first election in 1946. That a candidate for the judge of the Court of Common Pleas of Ozark, Alabama, shall be nominated in the primary next preceding the general election at which time he or she shall be elected.

SECTION 5: That the judge of said court before performing any of the duties of office shall take the oath of office as prescribed by the constitution and laws of the State of Alabama for justices of the peace and enter into bond with sureties in the sum of Two Thousand Dollars payable and conditioned as in case of justice of the peace, which bond shall be approved by the Judge of Probate of Dale County, and which oath and bond shall be filed and recorded in the office of such Judge of Probate.

SECTION 6: That the judge of said Court shall be liable to all the pains and penalties that may now or may hereafter be imposed on justices of the peace.

SECTION 7: Vacancies in the office of Judge of said court shall be filled by appointment of the Governor and shall hold office for the unexpired term and until his successor is elected and qualified. In the event the judge of said court is disqualified, or disabled or is temporarily absent from the precinct, the Probate Judge of Dale County shall appoint a temporary or special judge to discharge the duties of the regular judge during his disability, or disqualification or absence, and such temporary judge shall receive for the time he serves compensation at the same rate that the regular judge, such compensation to be paid on the warrant of the Probate Judge on the Inferior Court Fund. In the absence of the Probate Judge in cases of emergency the Judge of the Circuit Court of Dale County, Alabama, shall make the appointment of a temporary or special judge of said court.

SECTION 8: The judge of said court shall not hold any other office of profit in the state except a judicial office. The judge of said court shall not be disqualified from practicing in the courts of the state other than the Court of Common Pleas of Ozark, Alabama, provided that he shall not accept employment in any case originating in or passing through the court of which he is judge, if the judge is an attorney.

SECTION 9: That the judge of said court shall receive a salary of six hundred dollars per annum, payable monthly out of the Inferior Court Fund upon warrant drawn by the Judge of Probate of Dale County.

SECTION 10: The judge of said court shall tax in each case in said court as court cost the same fees allowed justices of the peace in similar cases which cost as well as all fines, forfeitures and penalties assessed or imposed in said court shall be paid in lawful money and on the first day of each month the judge of said court shall file with the judge of probate his report giving a full statement of all cost, fines, forfeitures and penalties collected since his last report and the style of the case in which the same were colleted and the said funds so reported shall be paid by the judge of said court to the depositary of the county and such depository shall place said funds in a special fund to be known as "The Inferior Court Fund" and shall pay no money out of such fund except on warrants drawn by the Probate Judge of Dale County, Alabama, on such special fund. That the Judge of Probate of Dale County is hereby authorized and it is made his duty to draw his warrant against said Inferior Court fund for the compensation of the judge of said Inferior Court and for the necessary expenses of said court, for dockets and other stationery that may be bought by the judge of said court, and immediately after the first of January of each year he will draw his warrant against said fund for the excess thereof remaining

on deposit after all demands against the same have been paid for the previous year, and be transferred to the fine and forfeiture fund of Dale County, Alabama.

SECTION 11: All process issued out of said court shall be directed to any lawful officer of the State of Alabama and shall be executed by the Sheriff of Dale County, Alabama, or his deputy, where executions may be had in said county, and in all other cases shall be executed in the same manner and by the same officers as though it had been issued by a justice of the peace. For services rendered in the execution of the process of said court the officer executing shall receive the same compensation as if issued by justices of the peace and served by sheriffs, the same to be taxed and collected as taxed and collected in courts of the justices of the peace. Witnesses in said court shall be entitled to the same fees as in justice court to be taxed and collected as in said justice court.

SECTION 12: Appeals from the judgment of said inferior court in civil and criminal cases may be taken as is provided for appeals from judgments of justices of the peace.

SECTION 13: The Court of Common Pleas of Ozark, Alabama, shall be open at all times for the disposition of business of the court and the judge of said court shall designate on the docket of the court a certain day of each week as a return day. Said court shall be held at the court house of the County.

SECTION 14: The offices of the justices of the peace and notaries public with power of justices of the peace in said precinct are hereby abolished, on the first Monday after the second Tuesday in January, 1947, and immediately thereafter, all the justices of the peace and notaries public with powers of justices of peace in said precinct one, Dale County, Alabama, shall deliver their dockets, official papers and record of all kinds of their respective offices to the Judge of the Court of Common Pleas of Ozark, Alabama, and all causes pending in said court shall be by such delivery transferred to the court hereby established and subsequent proceedings in said causes shall be had in said Court of Common Pleas as though they had originally been brought in said Court; execution or other appropriate process for the collection of judgments rendered before the transfer of the causes may be issued by the Court hereby established and all fees and costs accruing before the transfer shall be paid on collection to the parties to whom they were payable but for such transfer.

SECTION 15: If any section or provision of this Act shall be declared unconstitutional it shall not affect or destroy the validity or constitutionality of any other section or provision thereof which is not in and of itself void or unconstitutional.

STATE OF ALABAMA,
DALE COUNTY.

Before me, a notary public in and for said county and state, personally appeared Mrs. Vivian Adams, who deposeth and sayeth that she is the publisher of THE SOUTHERN STAR, a weekly newspaper published in said County and State, and that the notice attached hereto was published for 4 consecutive weeks, as follows:

April 8, 1943; April 15, 1943; April 22, 1943; April 29, 1943.

Signed: MRS. VIVIAN ADAMS,
Publisher.

Sworn to and subscribed before me this 10 day of May, 1943.

LUCILE B. MARTIN,
Notary Public.

My Commission expires 6-28, 1944.
(Seal)

Also:

By Mr. Ard:

H. 281. To abolish the County Commissioners Court of Dale County, Alabama, on the first Monday after the second Tuesday in January, 1947, and to create in lieu thereof a Court known as Board of Revenue to be composed of the Judge of Probate as ex-officio Member and Chairman, and four members of the Board of Revenue; to prescribe their qualifications, powers, authority and duties, to fix the salary and term of office of the Members thereof, and to provide for the filling of all vacancies; to provide for their election and the election of their successors; to divide Dale County, Alabama, into four Board of Revenue Districts; to provide that the Board of Revenue or County Commissioners shall hold over in office and be and function as a Court of Board of Revenue or County Commissioners until the First Monday after the second Tuesday in January, 1947, and until their successors are elected and qualified; to create the Office of County Road Supervisor of Dale County, Alabama, and become effective on the first Monday after the second Tuesday in January, 1947; to prescribe the qualifications, powers, authority and duties of said Supervisor; to provide for his election, and the election of his successor, fix his term of office and salary; and to require him to give surety bond; to provide that the purchase of all road and bridge materials, teams, tools, machinery, supplies, and equipment and contracts for construction, maintenance and repairs of highways and bridges be made upon competitive bids, after notice; to repeal all laws both general and special in conflict with this act, and to provide for the time when this act to become effective, and to provide for the sections or clauses declared invalid.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL BILL

Notice is hereby given that a Local Bill will be introduced at the present session that meets in May, 1943, of the Legislature of Alabama, the substance of which shall be as follows:

A BILL
TO BE ENTITLED
AN ACT

To abolish the County Commissioners Court of Dale County, Alabama, on the first Monday after the second Tuesday in January, 1947, and to create in lieu thereof a Court known as Board of Revenue to be composed of the Judge of Probate as ex-officio Member and Chairman, and four

members of the Board of Revenue; to prescribe their qualifications, powers, authority and duties, to fix the salary and term of office of the Members thereof, and to provide for the filling of all vacancies; to provide for their election and the election of their successors; to divide Dale County, Alabama, into four Board of Revenue Districts; to provide that the Board of Revenue or County Commissioners shall hold over in office and be and function as a Court of Board of Revenue or County Commissioners until the First Monday after the second Tuesday in January, 1947, and until their successors are elected and qualified; to create the Office of County Road Supervisor of Dale County, Alabama, and become effective on the first Monday after the second Tuesday in January, 1947; to prescribe the qualifications, powers, authority and duties of said supervisor; to provide for his election, and the election of his successor, fix his term of office and salary; and to require him to give surety bond; to provide that the purchase of all road and bridge materials, teams, tools, machinery, supplies, and equipment and contracts for construction, maintenance and repairs of highways and bridges be made upon competitive bids, after notice, to repeal all laws both general and special in conflict with this act, and to provide for the time when this act to become effective, and to provide for the sections or clauses declared invalid.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1: That the Board of County Commissioners, as heretofore constituted and existing in Dale County, Alabama, under the general or special laws of Alabama, is hereby abolished, effective on the first Monday after the second Tuesday in January, 1947, and in lieu thereof is hereby created on the first Monday after the second Tuesday in January, 1947, a Court known and called as Board of Revenue of and for said County, to be composed of the Judge of Probate, as ex-officio Member and Chairman, and four members of the Board of Revenue. The said four members of the Board of Revenue shall be elected each by the qualified electors of his Board of Revenue District at the general election to be held on the first Tuesday after the first Monday in November, 1946, and shall assume the duties of office on the first Monday after the second Tuesday in January following their election, and shall hold office for a period of four years and until their successors are elected and qualified.

SECTION 2: That Dale County, Alabama, is hereby divided into four Board of Revenue Districts, as follows: District No. 1 shall embrace and be composed of Beats numbered ONE, SEVEN, and TWELVE; District 2 shall embrace and be composed of Beats numbered TWO, THREE, FOUR and SIX; District No. 3 shall embrace and be composed of Beats numbered EIGHT, NINE and FOURTEEN; District No. 4 shall embrace and be composed of Beats numbered FIVE, TEN, ELEVEN and THIRTEEN. One member of said Court of Board of Revenue hereby created, shall be elected from each of the above Board of Revenue Districts, and he must be a resident of, and a qualified elector in the District from which he is elected. The compensation, of each of said members of Board of Revenue shall be THREE HUNDRED DOLLARS, per annum, to be paid in equal monthly installments, out of the general funds of the County, on warrants drawn by the Judge of Probate.

SECTION 3: That there is hereby conferred upon said Court of Board of Revenue of Dale County, Alabama, and the members thereof, all of the general authority, powers and duties now provided for, or which may hereafter be provided for Commissioners Court, under the general laws of the State of Alabama and the amendments thereto, not inconsistent with

the provisions of this act, and for all of the acts, of said Court equal, several and joint liability is hereby fixed upon the members thereof.

SECTION 4: That in case of a vacancy in the Court of Board of Revenue, such vacancy shall be filled by appointment by the Governor of the State of Alabama, and the person appointed shall hold office for the remainder of the term and until his successor is elected and qualified.

SECTION 5: That there is hereby created for Dale County, Alabama, the office of County Board Supervisor, which office shall be held and administered by an experienced road builder, and who shall be a competent civil engineer, who has the following qualifications: At least three years of experience as a practical civil engineer, or who is a graduate from an accredited A grade Civil Engineering School who shall be elected or appointed by the Court of Board of Revenue under the provisions of this act, within 15 days after the Board of Revenue under this act takes office on the first Monday after the second Tuesday in January, 1947, following their election in November, 1946, and his term of office shall begin immediately after his election or appointment and shall expire on Monday after the Second Tuesday in January, 1951, or until his successor is elected or appointed and qualified, and said Court of Board of Revenue, and their successors shall immediately after their election, qualification and assumption of office, elect or appoint his successor, who shall serve for a period of four years and until his successor is elected and qualified, unless removed by said Board of Revenue, for cause.

SECTION 6: That said County Road Supervisor shall have the general supervision and care of maintaining, repairing and improving the public roads and bridges of the County, and the building of new roads and bridges, when such new roads or bridges are established by said Court of Board of Revenue. He shall, with the approval of said Court of Board of Revenue, and laborers, required for said work, and shall, with the counsel, assistance and approval of said Court, purchase all necessary road machinery, material, teams, tools, supplies and equipment, as hereinafter provided, used in and about the work on the public roads and bridges of the County, and he shall perform all such other duties relating to the maintenance, improvement or construction of highways and bridges as may be required of him by the general laws of the State of Alabama, or by the Court of the Board of Revenue of Dale County, Alabama. Said County Road Supervisor shall receive as compensation for his services the sum of not more than TWENTY-FOUR HUNDRED DOLLARS ($2,400.00), per annum, to be fixed by said Court of Board of Revenue, payable in equal monthly installments, out of the gasoline tax funds or any other available funds of the County, upon warrants drawn by the Judge of Probate, and in addition thereto he shall be provided by said Board of Revenue with the necessary means of transportation to enable him to discharge the duties of his office.

SECTION 7: That before entering upon the duties of his office, said County Road Supervisor shall make and enter into a surety bond, of not less than two thousand dollars nor more than five thousand dollars, to be fixed by said Court of Board of Revenue, payable to Dale County, Alabama, for the faithful discharge and performances of the duties of his office and for the faithful accounting for all moneys or property of said County which may come into his possession or custody, which said bond must be made by a surety company authorized and qualified to do business in the State of Alabama, and be approved by said Court of Board of Revenue.

SECTION 8: That if said Board of Revenue functioning under the terms of this Act, should fail for more than 15 days after this Act becomes effective, to elect or appoint a County Road Supervisor for Dale County, Alabama, or if at any time a vacancy should occur in said office and said

Board of Revenue after they are qualified, should fail for an equal period of time to fill such vacancy, the Governor of Alabama, shall fill said office by appointment, and the appointee shall serve for the remainder of the term and until his successor is elected and qualified as herein provided and if no salary has been fixed, for said County Road Supervisor, the Governor is hereby authorized and empowered to fix same, within the limits prescribed by this Act.

SECTION 9: That no purchase, or contract to purchase, any road or bridge material, teams, tools, machinery, supplies or equipment shall be made, or any contract for the construction, maintenance or repair of any bridge or road let, if the amount involved, of the value thereof, exceeds $50.00, except to the lowest bidder who is responsible, and where the amount of purchase to be made, or contract to be let, is in excess of $500 and less than $250.00, two weeks written notice must be given that bids will be received for such purchases or contracts, by posting same on the bulletin board at the front of the County Court House, and if the amount of purchase to be made or contract to be let be in excess of $250.00, notice must be given that bids will be received for such purchases or contracts by advertising the same for a period of 30 days, by publisation once a week for two consecutive weeks, in a newspaper published in Dale County, Alabama. And in addition to the above notice or notices, if the amount be in excess of $250.00, the Chairman of said Court of Board of Revenue shall give written notice by Registered mail, with return receipt requested, of such contemplated purchase or purchases, to at least three merchants or dealers in the goods or material to be purchased, and like notice of any contract to be let, to at least three contractors engaged in the work contemplated. Such notice or notices together with return receipt, must be recorded in and become a part of the Minutes of the Court of Board of Rvenue of Dale County, Alabama.

Any and all contracts made and entered into, or purchases made, by the Board of Revenue, or County Road Supervisor, in violation of the terms of this section shall be null and void, and it shall be unlawful for the Probate Judge to issue a Warrant in payment of same.

SECTION 10: That candidates for the Board of Revenue of Dale County, Alabama, shall be nominated in the primary next preceding the general election at which time they shall be elected.

SECTION 11: That all laws and part of laws both general or special in conflict with the provisions of this Act are hereby repealed.

SECTION 12: That if any section, provision, clause, or portion of this Act shall be declared, by a Court of competent jurisdiction to be invalid or unconstitutional same shall not be held to affect any other section, provision, clause or portion of this act, but same shall remain in full force and effect.

SECTION 13: That the provision of this act shall take effect on the first Monday after the second Tuesday in January, 1947.

STATE OF ALABAMA,
DALE COUNTY

Before me, a notary public in and for said county and state, personally appeared Mrs. Vivian Adams, who deposeth and sayeth that she is the publisher of THE SOUTHERN STAR, a weekly newspaper published in said County and State, and that the notice attached hereto was published for 4 consecutive weeks, as follows:

April 15, 1943; April 22, 1943; April 29, 1943; May 6, 1943.

Signed: MRS. VIVIAN ADAMS, Publisher.

Sworn to and subscribed before me this 10 day of May, 1943.

LUCILE B. MARTIN, Notary Public.

My Commission Expires 6-28, 1944.

(Seal)

Also:

By Mr. Ard:

H. 282. To fix the compensation or salary to be paid the Judge of Probate of Dale County, Alabama, and to regulate the payment of the same; to provide for the compensation of clerks, deputies, clerical assistants and other expenses in the Probate Office of Dale County, Alabama, and to require said Judge of Probate to collect all the fees, compensation and allowances heretofore or hereafter collected by said Judge of Probate, and to pay same into the County Treasury of Dale County; to provide for the payment of the salary or compensation of said Judge of Probate and the clerks, deputies and other clerical assistants, and other office expenses, out of the funds of Dale County, and to provide rules and regulations for the management and operation of such office made necessary by changing the method and basis of compensation of such Judge of Probate, and to prescribe when this Act shall go into effect.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL BILL

Notice is hereby given that a Local Bill will be introduced at the present session that meets in May, 1943, of the Legislature of Alabama, the substance of which shall be as follows:

A BILL
TO BE ENTITLED
AN ACT

To fix the compensation or salary to be paid the Judge of Probate of Dale County, Alabama, and to regulate the payment of the same; to provide for the compensation of clerks, deputies, clerical assistants and other expenses in the Probate Office of Dale County, Alabama, and to require said Judge of Probate to collect all the fees, compensation and allowances heretofore or hereafter collected by said Judge of Probate, and to pay same into the County Treasury of Dale County; to provide for the payment of the salary or compensation of said Judge of Probate and the clerks, deputies and other clerical assistants, and other office expenses, out of the funds of Dale County, and to provide rules and regulations for the management and operation of such office made necessary by changing the method and basis of compensation of such Judge of Probate, and to prescribe when this Act shall go into effect.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. That the salary or compensation of the Judge of Probate of Dale County, Alabama, shall be Three Thousand and No/100 ($3,000.00) Dollars, per year, the said Three Thousand and No/100 ($3,000.00) Dollars, annual salary or compensation shall be paid out of the County Treasury of

Dale County, in equal monthly installments at the end of each month, upon warrants drawn in the same manner as employees of Dale County are paid.

SECTION 2. That when this Act goes into effect said Judge of Probate shall continue to collect all legal charges, costs, fees, ompensation and allowanes, heretofore or hereafter authorized to be collected by him, and shall pay same into the County Treasury on the first Monday of each month thereafter.

SECTION 3. The Board of Revenue, or like governing body, of Dale County, Alabama, is required, authorized and empowered to provide sufficient clerks, deputies and other assistants to the said Judge of Probate, but the said Judge of Probate shall select the said clerks, deputies and other assistants, and shall fix their compensation, but the combined salaries or compensation of said clerks, deputies and assistants selected by him shall not exceed Twenty-four Hundred and No/100 ($2400.00) Dollars, per annum. The said Judge of Probate shall have the right to discharge the said clerks, deputies and assistants at will. The Board of Revenue, or like governing body, of Dale County, Alabama, is authorized and empowered to adopt rules and regulations, if necessary, for the conducting and operation of such office made necessary by changing the method and basis of sompensation under this Act. The salaries or compensation of said clerks, deputies and assistants shall be paid in equal monthly installments out of the general funds of Dale County, upon separate warrants drawn in the same manner as other employees of Dale County are paid.

SECTION FOUR. The Board of Revenue or like governing body, of Dale County, shall provide said Judge of Probate with the necessary quarters, books, stationery, office equipment, supplies, files, furniture, typewriters, adding machines, postage and other conveniences and equipment necessary for the proper and efficient conducting and handling of the affairs of said office.

SECTION 5. The salary or compensation herein fixed shall be in lieu of all fees, compensation, and allowances heretofore allowed and paid to said Judge of Probate of said Dale County, Alabama, and said Judge of Probate shall not receive any compensation or allowances for his services as President of Ex-Officio member of the Board of Revenue, or like governing body, of Dale County, or for any such E-Officio services so rendered by him.

SECTION 6. That all laws and parts of laws, both general and local, as applied to Dale County, Alabama, in conflict with the provisions of this Act, be, and the same are hereby repealed.

SECTION 7. The provisions of this Act shall become effective from and after the first Monday after the Second Tuesday in January, 1947.

STATE OF ALABAMA,
DALE COUNTY

Before me, a notary public in and for said county and state, personally appeared Mrs. Vivian Adams, who deposeth and sayeth that she is the publisher of THE SOUTHERN STAR, a weekly newspaper published in said County and State, and that the notice attached hereto was published for 4 consecutive weeks as follows:

April 15, 1943; April 22, 1943; April 29, 1943; May 6, 1943.

Signed: MRS. VIVIAN ADAMS, Publisher.

Sworn to and subscribed before me this 10 day of May, 1943.

LUCILE B. MARTIN, Notary Public.

My Commission Expires 6-28, 1944.

(Seal)

Also:
By Mr. Ard:

H. 283. To fix the compensation or salary to be paid the Tax Collector of Dale County, Alabama, and to regulate the payment of the same; to provide for compensation of clerks, deputies, clerical assistants and other expenses in said office of the Tax Collector of Dale County, Alabama, and to require said Tax Collector to collect all the fees, compensation and allowances heretofore or hereafter authorized to be collected by him, and to pay same into the County Treasury of Dale County; to provide for the payment of the salary or compensation of said Tax Collector of Dale County, and the clerks, deputies and other clerical assistants, and other office expenses out of the funds of Dale County, and to provide rules and regulations for the management and operation of such office made necessary by changing the method and basis of compensation of such Tax Collector, and to prescribe when this Act shall go into effect.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL BILL

Notice is hereby given that a Local Bill will be introduced at the present session that meets in May, 1943, of the Legislature of Alabama, the substance of which shall be as follows:

A BILL
TO BE ENTITLED
AN ACT

To fix the compensation or salary to be paid the Tax Collector of Dale County, Alabama, and to regulate the payment of the same; to provide for compensation of clerks, deputies, clerical assistants and other expenses in said office of the Tax Collector of Dale County, Alabama, and to require said Tax Collector to collect all the fees, compensation and allowance here-to-fore or hereafter authorized to be collected by him, and to pay same into the County Treasury of Dale County; to provide for the payment of the salary or compensation of said Tax Collector of Dale County, and the clerks, deputies and other clerical assistants, and other office expenses out of the funds of Dale County, and to provide rules and regulations for the management and operation of such office made necessary by changing the method and basis of compensation of such Tax Collector, and to prescribe when this Act shall go into effect.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. That the salary or compensation of the Tax Collector of Dale County, Alabama, shall be Eighteen Hundred and No/100 ($1800.00) Dollars, per year, and the said Eighteen Hundred and No/100 ($1800.00) Dollars, annual salary or compensation shall be paid out of the County Treasury

of Dale County, in equal monthly installments, at the end of each month, upon warrants drawn in the same manner as employees of Dale County are paid.

SECTION 2. That when this Act goes into effect said Tax Collector hereinabove referred to shall continue to collect all charges, fees, compensation and allowances heretofore or hereafter authorized to be collected by him, and shall pay same into the County Treasury on the first Monday of each month thereafter.

SECTION 3. The Board of Revenue, or like governing body, of Dale County, Alabama, is required, authorized and empowered to provide sufficient equipment, clerks, deputies and other assistants to the said Tax Collector, but the said Tax Collector shall select such clerks; deputies and assistants and shall fix their compensation, but the combined salaries or compensation of said clerks, deputies, and assistants selected by him shall not exceed Six Hundred and No/100 ($600.00) Dollars, per annum. The said Tax Collector shall have the right to discharge the said clerks, deputies and assistants at will, as they shall serve only at his pleasure. The salaries or compensation of said clerks, deputies and assistants shall be paid in equal monthly installments out of the general funds of Dale County, upon separate warrants drawn in the same manner as other employees of Dale County, Alabama, are paid. In addition to the foregoing allowance the Board of Revenue, or like governing body, of Dale County, shall pay for all necesasry traveling expenses for annual trips over the County as required by law, but said Tax Collector shall furnish all necessary reports, registers, and lists of qualified voters as required by law, without additional charge or compensation therefor.

SECTION 4. The Board of Revenue, or like governing body, of Dale County, in addition to the foregoing, shall provide said Tax Collector with the necessary quarters, books, stationery, supplies, office equipment, files, furniture, typewriters, adding machines, postage and other conveniences and equipment necessary for the proper and efficient conducting and handling of the affairs of said office.

SECTION 5. The salary or compensation herein fixed shall be in lieu of all fees, compensation and allowances heretofore allowed and paid to said Tax Collector.

SECTION 6. That all laws and parts of laws, both general and local, as applied to Dale County, Alabama, in conflict with the provisions of this Act, be and the same are hereby repealed.

SECTION 7. The provisions of this Act shall become effective from and after the first Monday after the Second Tuesday in January, 1947.

STATE OF ALABAMA,
DALE COUNTY

Before me, a notary public in and for said county and state, personally appeared Mrs. Vivian Adams, who deposeth and sayeth that she is the publisher of THE SOUTHERN STAR, a weekly newspaper published in said County and State, and that the notice attached hereto was published for 4 consecutive weeks, as follows:

April 15, 1943; April 22, 1943; April 29, 1943; May 6, 1943.

Signed: MRS. VIVIAN ADAMS, Publisher.

Sworn to and subscribed before me this 10 day of May, 1943.

LUCILE B. MARTIN, Notary Public.

My Commission Expires 6-28, 1944.

(Seal)

Also:

By Mr. Ard:

H. 284. To fix the compensation or salary to be paid the Tax Assessor of Dale County, Alabama, and to regulate the payment of the same: to provide for compensation of clerks, deputies, clerical assistants and other expenses in said Office of the Tax Assessor of Dale County, Alabama, and to require said Tax Assessor to collect all the fees, compensation and allowances heretofore or hereafter authorized to be collected by him, and to pay same into the County Treasury of Dale County; to provide for the payment of the salary or compensation of said Tax Assessor of Dale County, and the Clerks, Deputies and other clerical assistants and other office expenses out of the funds of Dale County, and to provide rules and regulations for the management and operation of such office made necessary by changing the method and basis of compensation of said Tax Assessor and to prescribe when this Act shall go into effect.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL BILL

Notice is hereby given that a Local Bill will be introduced at the present session that meets in May, 1943, of the Legislature of Alabama, the substance of which shall be as follows:

A BILL
TO BE ENTITLED
AN ACT

To fix the compensation or salary to be paid the Tax Assessor of Dale County, Alabama, and to regulate the payment of the same; to provide for compensation of clerks, deputies, clerical assistants and other expenses in said Office of the Tax Assessor of Dale County, Alabama, and to require said Tax Assessor to collect all the fees, compensation and allowances heretofore or hereafter authorized to be collected by him, and to pay same into the County Treasury of Dale County; to provide for the payment of the salary or compensation of said Tax Assessor of Dale County, and the Clerks, Deputies and other clerical assistants and other office expenses out of the funds of Dale County, and to provide rules and regulations for the management and operation of such office made necessary by changing the method and basis of compensation of said Tax Assesor and to prescribe when this Act shall go into effect.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. That the salary or compensation of the Tax Collector of Dale County, Alabama, shall be Eighteen Hundred and No/100 ($1800.00) Dollars per year and the said Eighteen Hundred and No/100 ($1800.00) Dol-

lars, annual salary or compensation shall be paid out of the County Treasury of Dale County, in equal monthly installments, at the end of each month, upon warrants drawn in the same manner as employees of Dale County are paid.

SECTION 2. That when this Act goes into effect, said Tax Assessor hereinabove referred to, shall continue to collect all charges, fees, compensation and allowances the County Treasury on the first Monday heretofore or hereafter authorized to be collected by him, and shall pay same into of each month thereafter.

SECTION 3. The Board of Revenue or like governing body, of Dale County, Alabama, is required, authorized and empowered to provide sufficient equipment, clerks, deputies and other assistants to said Tax Assessor, but the said Tax Assessor shall select such clerks, deputies and assistants and shall fix their compensation, but the combined salaries or compensation of said clerks, deputies and assistants selected by him shall not exceed SIX HUNDRED AND NO/100 ($600.00) DOLLARS, per annum. The said Tax Assessor shall have the right to discharge the said clerks, deputies, and assistants at will, as they shall serve only at his pleasure. The salaries or compensation of said cerks, deputies and assistants shall be paid in equal monthly installments out of the general funds of Dale County, upon separate warrants drawn in the same manner as other employees of Dale County are paid. In addition to the foregoing allowance the Board of Revenue, or like governing body, of Dale County, shall pay for all necessary traveing expenses for annual trips over the County as required by law, but said Tax Assessor shall furnish all necessary drawings, maps, registers and plats as required by law, without additional charge or compensation therefor.

SECTION 4. The Board of Revenue, or like governing body, of Dale County, in addition to the foregoing, shall provide said Tax Assessor with the necessary quarters, books, stationery, supplies, office equipment, files, furniture, typewriters, adding machines, postage and other conveniences and equipment necessary for the proper and efficient conducting and handling of the affairs of said office.

SECTION 5. The salary or compensation herein fixed shall be in lieu of all fees, compensation and allowances heretofore allowed and paid to said Tax Assessor.

SECTION 6. That all laws and parts of laws, both general and local, as applied to Dale County, Alabama, in conflict with the provisions of this Act, be, and the same are hereby repealed.

SECTION 7. The provisions of this Act shall become effective the first day of October, 1947.

STATE OF ALABAMA,
DALE COUNTY.

Before me, a notary public in and for said county and state, personally appeared Mrs. Vivian Adams, who deposeth and sayeth that she is the publisher of THE SOUTHERN STAR, a weekly newspaper published in said County and State, and that the notice attached hereto was published for 4 consecutive weeks, as follows:

April 15, 1943; April 22, 1943; April 29, 1943; May 6, 1943.

Signed: MRS. VIVIAN ADAMS, Publisher.

Sworn to and subscribed before me this 10 day of May, 1943.

LUCILE B. MARTIN, Notary Public.

My Commission Expires 6-28, 1944.
(Seal)

Also:
By Mr. Stewart and Mr. Harris:

H. 345. To provide for the distribution and expenditure of the net funds received by Morgan County, Alabama, arising from the placing of the office of Judge of Probate of Morgan County on a salary basis.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that a bill substantially as follows will be introduced at the session of the Legislature of Alabama which convenes in May, 1943, and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To provide for the distribution and expenditure of the net funds received by Morgan County, Alabama, arising from the placing of the office of Judge of Probate of Morgan County on a salary basis.

Be it Enacted by the Legislature of Alabama:

Section 1. The net funds realized and received by Morgan County arising from the placing of the office of Judge of Probate of Morgan County on a salary basis shall be used exclusively for public school purposes in the public school system of Morgan County and in the public school system of the City of Decatur as herein provided.

Section 2. On the fifteenth day of October in each year beginning with the year 1944, the Chairman of the Board of Revenue and Control of Morgan County, Alabama, shall calculate the total amount paid to the county by the Judge of Probate of said county representing the fees, commissions, costs, percentages, allowances, and other items collected by said Judge of Probate under the provisions of an Act of the Legislature placing said office on a salary basis, for the period of October first to September thirtieth preceding. From raid amount the said Chairman shall deduct the total amount paid to said Judge of Probate and his assistants as their compensation for the same period, the cost of publishing during said period the "List of Insolvents" as provided for in said act, and that part of the cost of any audit or examination of said office during said period properly attributable to determining whether or not said Judge of Probate has properly accounted for all moneys due said county. The difference between said receipts and expenses shall be paid by said Chairman, one-half to the treasurer or custodian of the funds of the public school system of Morgan County, and one-half to the treasurer or custodian of the funds of the public school system of the City of Decatur.

Section 3. That part of said fund received by the public school system of Morgan County shall be expended for such public school purposes within said county as may be determined by the County Board of Education of Morgan County, Alabama.

Section 4. That part of said fund received by the public school system of the City of Decatur shall be expended for such public school purposes within said city as may be determined by the City Board of Education of the City of Decatur, Alabama.

Section 5. It is the intention of this act that in October of each year, beginning with year 1944, the difference between the gross income of the office of Judge of Probate of Morgan County for the twelve month period of October first to September thirtieth, immediately preceding, and the expenditures for any expenses to be paid out of the same and the salaries of said Judge of Probate and his clerical assistants for the same period, shall be paid equally to said two public school systems.

Section 6. This act shall become effective on October 15, 1944.

VERNON L. ST. JOHN,
W. H. STEWART,
NORMAN W. HARRIS.

STATE OF ALABAMA,
MORGAN COUNTY.

Before me, the undersigned authority in and for said County in said State, this day personally appeared B. C. Shelton, who, being by me first duly sworn, deposes and says that he is managing editor of The Decatur Daily, which is and has been during the times herein mentioned a newspaper of general circulation published in Decatur, Morgan County, Alabama, and that a certain notice, of which the foregoing and attached is a true copy, was published in said newspaper once a week for four successive weeks, appearing in the issues of said newspaper published on the 16th, 23rd, and 30th days of April, and on the 7th day of May, all in the year 1943, and that said publication was made without cost to the State of Alabama.

B. C. SHELTON.

Sworn to and subscribed before me, this 11th day of May, 1943.

OLLIE B. ISLEY,
Notary Public.

(Seal)

Also:

By Mr. Stewart and Mr. Harris:

H. 346. To provide that commencing on October 1, 1943, the Judge of Probate of Morgan County, Alabama, shall be compensated by a salary of Five Thousand Dollars ($5000.00) per annum, in lieu of all other compensation; to require that said Judge of Probate collect all fees, commissions, costs, percentages, allowances and other items allowed to or provided for a judge of probate by the general laws of this state then and thereafter in force, except as otherwise provided by local act applicable to Morgan County, and that he pay the same into the county treasury; and to provide a penalty for failure to do so; to provide for the furnishing of equipment, supplies and clerical assistance to said Judge of Probate, and the duties of and compensation of said assistants and the manner of the payment of the same and of said salary; to provide for the performance of certain duties by the Board of Revenue and Control of said county and the Chairman thereof made necessary by the placing of said office on a salary basis; and to provide for the repeal of all laws in conflict with this act, and the effective date of this act.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that a bill substantially as follows will be introduced at the session of the Legislature of Alabama which convenes in May, 1943, and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To provide that commencing on October 1, 1943, the Judge of Probate of Probate of Morgan County, Alabama, shall be compensated by a salary of Five Thousand Dollars ($5000.00) per annum, in lieu of all other compensation; to require that said Judge of Probate collect all fees, commissions, costs, percentages, allowances and other items allowed to or provided for a judge of probate by the general laws of this state then and thereafter in force, except as otherwise provided by local act applicable to Morgan County, and that he pay the same into the county treasury; and to provide a penalty for failure to do so; to provide for the furnishing of equipment, supplies and clerical assistance to said Judge of Probate, and the duties of and compensation of said assistants and the manner of the payment of the same and of said salary; to provide for the performance of certain duties by the Board of Revenue and Control of said county and the Chairman thereof made necessary by the placing of said office on a salary basis; and to provide for the repeal of all laws in conflict with this act, and the effective date of this act.

Be it Enacted by the Legislature of Alabama:

1. Commencing on the first day of October, 1943, the Judge of Probate of Morgan County, Alabama, shall receive an annual salary of Five Thousand Dollars. Said salary shall be in lieu of all other compensation, commissions, allowances, fees, costs, percentages and emoluments to said officer, except as herein otherwise provided.

2. On and after October 1, 1943, said Judge of Probate shall collect all moneys, fees, compensation, commissions, allowances, costs, percentages, emoluments and other items allowed to and provided for a judge of probate by the general laws of Alabama then and thereafter in force, except as otherwise provided by local act applicable to Morgan County, and shall pay the same to the Chairman of the Board of Revenue and Control of Morgan County, who shall promptly deposit the same in the general fund of said county. All such money collected during one calendar month shall be paid to said Chairman of said Board on or before the tenth day of the following month.

3. For failure to pay any money herein required to be paid to the county within the time herein fixed, the said Judge of Probate shall be subject to a penalty of five per centum of the amount unlawfully withheld by him for each month the same is unlawfully withheld, said penalty to be recovered by Morgan County and covered into the general fund of the county.

4. The Board of Revenue and Control of Morgan County, Alabama, or other like governing body of said county, shall provide said Judge of Probate with the necessary books, records, equipment, furniture, fixtures, stationary, postage, and other supplies, and with sufficient clerks and assist-

ants, the said Judge of Probate to have the authority to select and employ and discharge at will his clerks and assistants, and to fix their compensation, but the total compensation of said clerks and assistants shall not exceed the sum of Eight Thousand Four Hundred ($8,400.00) Dollars per annum, unless the Board of Revenue and Control, or other like governing body of said county, upon written request of said Judge of Probate, allows a larger sum therefor, not to exceed the sum of Ten Thousand ($10,000.00) Dollars per annum in any event, and provided that said compensation shall not exceed the said rate of Eight Thousand Four Hundred ($8,400.00) Dollars per annum unless used for the purpose of compensating at least five regularly employed clerks and assistants. Said Board of Revenue and Control shall have authority to make an allowance for such compensation and to raise and lower the same within said limits, and subject to the above provisions, from time to time as conditions and circumstances may warrant.

5. Said clerks and assistants shall, for the compensation herein allowed, and without further expense to Morgan County, perform all services with reference to preparing all lists of qualified electors required by law to be prepared by said judge of probate.

6. The compensation of said Judge of Probate and of said clerks and assistants shall be paid by the Chairman of said Board of Revenue and Control out of the general fund of Morgan County in semi-monthly installments, as nearly equal as may be, on the first and fifteenth days of each month, the first of said installments to be paid on October 15, 1943.

7. The compensation of each such clerk and assistant shall be paid upon the filing with the said Chairman of a written claim therefor, the correctness of which shall be verified by the oath or affirmation of the said Judge of Probate and of such clerk or assistant making said claim.

8. Said Judge of Probate shall be liable for the payment of all fees, commissions, percentages, allowances, and other items which he shall be by law authorized to collect, whether collected by him or not, except costs in judicial proceedings in the Probate Court of Morgan County, the payment of which costs he shall be liable for only in the event he collects the same, subject to the provisions of the next section hereof.

9. The said Judge of Probate shall by the first day of August in each year file with the Chairman of the Board of Revenue and Control of said county in triplicate a list of all costs in judicial proceedings in said court which accrued and became payable on or before the first of June preceding the filing of said report and which he has not collected at the time of filing said list, which said list shall be termed "List of Insolvents" and shall contain the names of all persons responsible for said costs, the amount for which each person is responsible, and the style and docket number of the proceeding in which the same respectively accrued. The Chairman of said Board shall cause a copy of said "List of Insolvents" to be published one time in one or more newspapers of general circulation in said county, together with a notice to the effect that the said Judge of Probate has reported said costs as unpaid and that he cannot collect the same; said notice shall omit the style and number of the proceedings in which said costs accrued. It shall be the duty of said Board of Revenue and Control to carefully examine said list and to investigate whether or not said costs or part of the same could have been collected by reasonable diligence, and by the first of November following the filing of said list, said Board shall by resolution allow or disallow the items shown on said list, and the Chairman of said Board shall notify said Judge of Probate of all items disallowed and the said Judge of Probate shall pay the same within thirty days thereafter. The action of said Board in allowing or disallowing any item on said list shall be final and not subject to review. The cost of publishing

said "List of Insolvents" shall be paid out of the general fund of said county.

10. It shall be the duty of said Judge of Probate at the time of making each remittance to the county under this act to file with said remittance an itemized report showing the amount of money being remitted by him and the separate items making up said amount, and said reports shall be filed and preserved by said Board for a period of at least six years, and it shall be the duty of said Board to determine at least once in each four years, by examination made by it, or an auditor employed by it, or from an examination made by auditors of the Department of Finance of the State of Alabama, whether or not said Judge of Probate has properly accounted for all money required by this act to be paid by him to said county, and said Board and its employees shall at all reasonable times have the right to examine all books, records, and papers in said office.

11. The invalidity of any section, parts, clause or phrase of this act shall not affect the remainder thereof, which shall remain in full force and effect.

12. All laws and parts of laws, both general and local, in so far as the same may be in conflict with the provisions of this act are hereby repealed in so far as the same apply to Morgan County.

13. This act shall be effective on and after October 1, 1943.

VERNON L. ST. JOHN,
W. H. STEWART,
NORMAN W. HARRIS.

STATE OF ALABAMA,
MORGAN COUNTY.

Before me, the undersigned authority in and for said county in said State, this day personally appeared B. C. Shelton, who, being by me first duly sworn, deposes and says that he is managing editor of The Decatur Daily, which is and has been during the times herein mentioned a newspaper of general circulation published in Decatur, Morgan County, Alabama, and that a certain notice, of which the foregoing and attached is a true copy, was published in said newspaper once a week for four successive weeks, appearing in the issues of said newspaper published on the 16th, 23rd, and 30th days of April, and on the 7th day of May, all in the year 1943, and that said publication was made without cost to the State of Alabama.

B. C. SHELTON.

Sworn to and subscribed before me, this 11 day of May, 1943.

OLLIE B. ISLEY,
Notary Public.

(Seal)

Also:

By Mr. Stewart and Mr. Harris:

H. 347. To amend sections 2, 3 and 5 of an Act to fix the compensation or salary to be paid the Tax Collector of Morgan County, approved September 15, 1939, being Act No. 464 of the regular session of the Legislature of Alabama of 1939 (Local Acts, 1939, page 278), and to provide for the effective dates of this act.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that a bill substantially as follows will be introduced at the session of the Legislature of Alabama which convenes in May, 1943, and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend sections 2, 3 and 5 of an Act to fix the compensation or salary to be paid the Tax Collector of Morgan County, approved September 15, 1939, being Act No. 464 of the regular session of the Legislature of Alabama of 1939 (Local Acts, 1939, page 278), and to provide for the effective dates of this act.

Be it Enacted by the Legislature of Alabama:

Section 1. That section 2 of an Act to fix the compensation or salary to be paid to the Tax Collector of Morgan County, approved September 15, 1939, being Act No. 464 of the regular session of the Legislature of Alabama of 1939 (Local Acts 1939, page 278) be and the same is hereby amended so that it shall read as follows:

"Section 2. That when this Act goes into effect said Tax Collector shall collect all charges, fees, percentages, and commissions allowed to or provided for a tax collector by the general laws of this state, and shall pay the same to the Chairman of the Board of Revenue and Control of Morgan County, Alabama, for the general fund of said county, at least as often as on the fifteenth day of the month following his collection of the same, and as much more often as the said Tax Collector may desire."

Section 2. That section 3 of said Act be and the same is hereby amended so as to read as follows:

"Section 3. The Board of Revenue and Control, or like governing body, of Morgan County, Alabama, is required, authorized and empowered to provide sufficient equipment, clerks, deputies and other assistants to the said Tax Collector, but the said Tax Collector shall select such clerks, deputies and assistants and shall fix their compensation, but the combined salaries or compensation of said clerks, deputies, and assistants selected by him shall not exceed Twenty-Seven Hundred & 00/100 ($2700.00) Dollars, per annum. The said Tax Collector shall have the right to discharge the said clerks, deputies and assistants at will, as they shall serve only at his pleasure. The salaries or compensation of said clerks, deputies and assistants shall be paid in equal semi-monthly installments out of the general funds of Morgan County, upon separate warrants drawn in the same manner as other employees of Morgan County, Alabama, are paid. In addition to the foregoing allowance the Board of Revenue and Control, or like governing body, of Morgan County, shall pay for all necessary traveling expenses for annual trips over the County as required by law, but said Tax Collector shall furnish all necessary reports, registers, and lists of qualified voters as required by law, without additional charge or compensation therefor.

During each tax year and before October fifteenth thereof, in which the said Tax Collector is to collect the taxes due to the City of Decatur under the provisions of Article 2 of Chapter 15 of Title 37 of the Code of

Alabama of 1940 (Code 1940, Tit. 37, §§ 698-732), it shall be the duty of the Board of Revenue and Control of Morgan County, upon written request of said Tax Collector to make an annual allowance to said Tax Collector for the compensation of his clerks and assistants in addition to said sum of $2700.00 per annum, said additional annual allowance not to exceed the amount estimated by said Board to be the compensation or commissions which will accrue during said tax year on account of the collection by said Tax Collector of the taxes due to the City of Decatur.

The compensation of said clerks and assistants shall be paid in semimonthly installments upon their filing with the Chairman of said Board of written claims therefor, the correctness of which shall be verified by the oath or affirmation of said Tax Collector and of the clerk or assistant making such claim."

Section 3. That section 5 of said Act be and the same is hereby amended to read as follows:

"Section 5. The salary herein fixed shall be the sole and only compensation of said Tax Collector, and shall be in lieu of all fees, commissions, percentages, and allowances."

Section 4. That section 1 and section 3 of this act shall become effective on October 1, 1943, and section 2 of this act shall become effective on October 1, 1944.

VERNON L. ST. JOHN,
W. H. STEWART,
NORMAN W. HARRIS.

STATE OF ALABAMA,
MORGAN COUNTY.

Before me, the undersigned authority in and for said County in said State, this day personally appeared B. C. Shelton, who, being by me first duly sworn, deposes and says that he is managing editor of The Decatur Daily, which is and has been during the times herein mentioned a newspaper of general circulation published in Decatur, Morgan County, Alabama, and that a certain notice, of which the foregoing and attached is a true copy, was published in said newspaper once a week for four successive weeks, appearing in the issues of said newspaper published on the 16th, 23rd, and 30th days of April, and on the 7th day of May, all in the year 1943, and that said publication was made without cost to the State of Alabama.

B. C. SHELTON.

Sworn to and subscribed before me, this 11 day of May, 1943.

(Seal)

OLLIE B. ISLEY,
Notary Public.

Also:

By Mr. Stewart and Mr. Harris:

H. 348. To provide that the Judge of Probate of Morgan County shall not collect fees for: (1) filing a claim against an estate and giving a receipt therefor, (2) attesting a satisfaction of a mortgage or vendor's lien, (3) approving, filing and recording an official bond, (4) filing and recording deeds or conveyances to

Morgan County, and (5) administering an affidavit; and to provide the effective date of this act.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that a bill substantially as follows will be introduced at the session of the Legislature of Alabama which convenes in May, 1943, and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To provide that the Judge of Probate of Morgan County shall not collect fees for: (1) filing a claim against an estate and giving a receipt therefor, (2) attesting a satisfaction of a mortgage or vendor's lien, (3) approving, filing and recording an official bond, (4) filing and recording deeds or conveyances to Morgan County, and (5) administering an affidavit; and to provide the effective date of this act.

Be it Enacted by the Legislature of Alabama:

Section 1. The Judge of Probate of Morgan County, Alabama, shall not charge or collect a fee for either of the following services namely: (1) filing a claim against an estate and giving a receipt therefor, (2) attesting a satisfaction of a mortgage or vendor's lien, (3) approving, filing and recording an official bond, (4) filing and recording deeds or conveyances to Morgan County, and (5) administering an affidavit.

Section 2. This act shall become effective immediately.

VERNON L. ST. JOHN,
W. H. STEWART,
NORMAN W. HARRIS.

STATE OF ALABAMA,
MORGAN COUNTY.

Before me, the undersigned authority in and for said County in said State, this day personally appeared B. C. Shelton, who, being by me first duly sworn, deposes and says that he is managing editor of The Decatur Daily, which is and has been during the times herein mentioned a newspaper of general circulation published in Decatur, Morgan County, Alabama, and that a certain notice, of which the foregoing and attached is a true copy, was published in said newspaper once a week for four successive weeks, appearing in the issues of said newspaper published on the 16th, 23rd, and 30th days of April, and on the 7th day of May, all in the year 1943, and that said publication was made without cost to the State of Alabama.

B. C. SHELTON.

Sworn to and subscribed before me, this 11 day of May, 1943.

OLLIE B. ISLEY,
Notary Public.

(Seal)

Also:

By Mr. Stewart and Mr. Harris:

H. 349. To amend sections 2, 3 and 5 of an Act to fix the compensation or salary to be paid the Tax Assessor of Morgan County, which act became a law on September 14, 1939, being Act No. 361 of the regular session of the Legislature of Alabama of 1939 (Local Acts, 1939, page 248) and to provide the effective date of this act.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that a bill substantially as follows will be introduced at the session of the Legislature of Alabama which convenes in May, 1943, and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend sections 2, 3 and 5 of an Act to fix the compensation or salary to be paid the Tax Assessor of Morgan County, which act became a law on September 14, 1939, being Act No. 361 of the regular session of the Legislature of Alabama of 1939 (Local Acts, 1939, page 248) and to provide the effective date of this act.

Be it Enacted by the Legislature of Alabama:

Section 1. That section 2 of an Act to fix the compensation or salary to be paid the Tax Assessor of Morgan County, which Act became a law on September 14, 1939, being Act No. 361 of the regular session of the Legislature of Alabama of 1939 (Local Acts, 1939, page 248) be and the same is hereby amended so as to read as follows:

"Section 2. That when this act goes into effect the Tax Collector of Morgan County shall pay to the Chairman of the Board of Revenue and Control of said county all charges, fees, commissions, percentages, and compensation allowed to or provided for a Tax Assessor by the general laws of Alabama, being the same which he would, but for this Act, pay to said Tax Assessor of Morgan County. The same shall be paid on or before the fifteenth day of the month following their collection, and shall be placed in the general fund of said county."

Section 2. That section 3 of said Act be and the same is hereby amended so as to read as follows:

"Section 3. The Board of Revenue and Control, or like governing body, of Morgan County, Alabama, is required, authorized and empowered to provide sufficient equipment, clerks, deputies and other assistants to the said Tax Assessor, but the said Tax Assessor shall select such clerks, deputies and assistants and shall fix their compenation, but the combined salaries or compensation of said clerks, deputies and assistant selected by him shall not exceed Two Thousand Seven Hundred ($2,700.00) Dollars, per annum. The said Tax Assessor shall have the right to discharge the said clerks, deputies, and assistants at will, as they shall serve only at his pleasure. The salaries or compensation of said clerks, deputies and assistants shall be paid

in semi-monthly installments out of the general funds of Morgan County, upon separate warrants drawn in the same manner as other employees of Morgan County are paid. In addition to the foregoing allowance the Board of Revenue and Control, or like governing body, of Morgan County, shall pay for all necessary traveling expenses for annual trips over the County as required by law, but said Tax Assessor shall furnish all necessary drawings, maps, registers and plats as required by law, including land and lot books provided for by sections 66 and 67 of Title 51 of the Code of Alabama of 1940, and the book, commonly known as "Tax Abstract", provided for by section 65 of Title 51 of the Code of Alabama of 1940, without compensation, charges, or expense to Morgan County, for the same, or the preparation of the same.

During each tax year, and before October fifteenth thereof, in which said Tax Assessor is to assess the property in the City of Decatur for taxes levied by said City of Decatur under the provisions of Article 2 of Chapter 15 of Title 37 of the Code of Alabama of 1940 (Code 1940, Tit. 37, §§ 698-732), it shall be the duty of the Board of Revenue and Control of Morgan County, upon written request of said Tax Assessor, to make an annual allowance to said Tax Assessor for the compensation of his clerks and assistants in addition to said sum of $2700.00 per annum, said additional annual allowance not to exceed the amount estimated by said Board to be the compensation or commissions which will accrue during said tax year on account of the assessment by said Tax Assessor of the property within the City of Decatur for taxes levied thereon by said City of Decatur.

The compensation of said clerks and assistants shall be paid in semi-monthly installments upon their filing with the Chairman of said Board of written claims therefor, the correctness of which shall be verified by the oath or affirmation of said Tax Assessor and of the clerk or assistant making such claim."

Section 3. That section 5 of said Act be and the same is hereby amended so as to read as follows:

"Section 5. The salary herein fixed shall be the sole and only compensation of said Tax Assessor, and shall be in lieu of all fees, commissions, percentages, and allowances."

Section 4. This act shall become effective on October 1, 1943.

Vernon L. St. John,
W. H. Stewart,
Norman W. Harris.

STATE OF ALABAMA,
MORGAN COUNTY.

Before me, the undersigned authority in and for said County in said State, this day personally appeared B. C. Shelton, who, being by me first duly sworn, deposes and says that he is managing editor of The Decatur Daily, which is and has been during the times herein mentioned a newspaper of general circulation published in Decatur, Morgan County, Alabama, and that a certain notice, of which the foregoing and attached is a true copy, was published in said newspaper once a week for four successive weeks, appearing in the issues of said newspaper published on the 16th, 23rd, and 30th days of April, and on the 7th day of May, all in the year 1943, and that said publication was made without cost to the State of Alabama.

B. C. SHELTON.

Sworn to and subscribed before me, this 11 day of May, 1943.

OLLIE B. ISLEY,
Notary Public.

(SEAL)

Also:

By Mr. Ward:

H. 252. To fix the salary of the Deputy Solicitor for Lee County, Alabama, and provide for the manner of payment of the same.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given of intention to apply to the next regular session of the Legislature of Alabama for the enactment of a local law and that a bill will be introduced in said Legislature, fixing the salary or compensation of the Deputy Solicitor for Lee County, Alabama.
(Adv. 9-16-23-30)

STATE OF ALABAMA,
LEE, COUNTY, Ala.

Before me, Elmer Lazerby, a notary public in and for said county and state, personally appeared W. C. Wear, who being duly sworn deposes and says that he is the Publisher of the Opelika Daily News, a Newspaper of general circulation published in said county of Lee and that the above and foregoing notice was published in said newspaper for 4 consecutive weeks, namely on: April 9th, 16th, 23rd and 30th, 1943.

W. C. WEAR,

Sworn to and subscribed before me this 30th day of April, 1943.

ELMER LAZERBY,
Notary Public, Lee County, Ala.

Also:

By Mr. Segrest:

H. 221. To amend Section 4 as amended by a Local Act of the Legislature of Alabama, approved September 12, 1939, of a Local Act entitled "An Act to establish an Inferior Court in Macon County, Alabama, to be known as the Inferior Court of Macon County, to abolish the County Court of Macon County, Alabama, and to confer upon said Inferior Court of Macon County, the Criminal and Civil Jurisdiction concurrent with that of the Justices of Peace in the County of Macon, Alabama, and all jurisdiction of the County Court of Macon County, Alabama; and to provide for a Clerk of said Court and prescribe his fees, and define his duties and compensation; to establish methods of procedure and fix the Court costs in said Court; to define the jurisdiction of said Court and to provide for a Judge of said Court and provide and fix the method of his selection or election, and qualification and term or terms of office, define his power and duties, and fix the salary of such Judge; and to provide for a Solicitor for said Court and provide and fix the method of his selection or election, and qualification

and term or terms of office, prescribe his duties and fix the salary of such solicitor; to provide the method whereby the Judge thereof may recuse himself. To provide for certificates of judgment of said Court and the recordination thereof; to provide the method of issuing warrants returnable to said Court, and to define and provide for the proceedings of said Court, and to provide for the transfer and trial of causes pending in the County Court of Macon County, at the time that this act takes effect, to the Inferior Court of Macon County, approved June 26, 1935."

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that application will be made by the undersigned for the introduction in the 1943 Regular Session of the Legislature of Alabama, for immediate passage, of the following Local Act for Macon County, Alabama, viz:

AN ACT

To Amend Section 4 as amended by a Local Act of the Legislature of Alabama, approved September 12, 1939, of a Local Act entitled "An Act to establish an Inferior Court in Macon County, Alabama, to be known as the Inferior Court of Macon County, to abolish the County Court of Macon County, Alabama, and to confer upon said Inferior Court of Macon County the Criminal and Civil Jurisdiction concurrent with that of the Justices of Peace in the County of Macon, Alabama, and all jurisdiction of the County Court of Macon County, Alabama; and to provide for a Clerk of said Court and prescribe his fees, and define his duties and compensation; to establish methods of procedure and fix the Court costs in said Court; to define the jurisdiction of said Court and to provide for a Judge of said Court and provide and fix the method of his selection or election, and qualification and term or terms of office, define his power and duties, and fix the salary of such Judge; and to provide for a Solicitor for said Court and provide and fix the method of his selection or election, and qualification and term or terms of office, prescribe his duties and fix the salary of such solicitor; to provide the method whereby the Judge thereof may recuse himself. To provide for certificates of judgment of said Court and the recordination thereof; to provide the method of issuing warrants returnable to said Court, and to define and provide for the proceedings of said Court, and to provide for the transfer and trial of causes pending in the County Court of Macon County, at the time that this act takes effect, to the Inferior Court of Macon County, approved June 26, 1935."

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That Section 4, as Amended by a Local Act of the Legislature of Alabama, approved September 12, 1939, of a Local Act entitled "An Act to establish an Inferior Court in Macon County, Alabama to be known as the Inferior Court of Macon County, to abolish the County Court of Macon County, Alabama, and to confer upon said Inferior Court of Macon County the Criminal and Civil Jurisdiction concurrent with that of the Justices of

the Peace in the County of Macon, Alabama, and all jurisdiction of the County Court of Macon County, Alabama; and to provide for a Clerk of said Court and prescribe his fees, and define his duties and compensation; to establish methods of procedure and fix the Court costs in said Court; to define the jurisdiction of said Court, and to provide for a Judge of said Court and provide and fix the method of his selection or election, and qualification and term or terms of office, define his power and duties, and fix the salary of such Judge; and to provide for a solicitor for said Court and provide and fix the method of his selection or election, and qualification and term or terms of office, prescribe his duties and fix the salary of such solicitor; to provide the method whereby the Judge thereof may recuse himself. To provide for certificates of judgment of said Court and the recordination thereof; to provide the method of issuing warrants returnable to said Court, and to define and provide for the proceedings in said Court, and to provide for the transfer and trial of causes pending in the County Court of Macon County, at the time that this act takes effect, to the Inferior Court of Macon County, approved June 26, 1935," be and the same is hereby amended to read as follows:

"Section 4. The Circuit Clerk of Macon County shall act and be the Clerk of the Inferior Court hereby established and he shall keep a civil and Criminal docket of all cases brought before said Court and all of the minutes and records as are now required by law to be kept by Justices of the Peace and by the Clerk of the County Court of said County. He shall have authority to issue all necessary summons and complaints, as to all cases filed in said Court, and all other civil and criminal process which Justices of the Peace and the Clerk of the County Court are now required or empowered by law to issue. He shall have authority to swear witnesses at the trial of all causes in said County. It shall be the duty of said Clerk to tax and collect in each civil case in said Inferior Court the same costs and fees for services of the Clerk and Sheriff and witnesses in civil cases in said Court as are now or may hereafter be allowed by law to be assessed, charged and collected for same in the Justice of Peace Courts; and in all criminal cases the same costs, fines, and fees for the services of the Solicitor, Clerk, Sheriff and Witnesses, in said Court, shall be assessed and collected as are now or may hereafter be, provided by law to be assessed and collected for such offenses in the County Court of Macon County, Alabama. The Sheriff's fees collected by said Court shall be paid over to the Sheriff by the Clerk on the last Monday of each month. Any money paid to said Clerk on Judgments rendered in said Court shall be paid to the plaintiff or his Attorney on demand. All the costs and fees allowed the Solicitor and Clerk of said Court, and all witnesses fees shall be collected by said Clerk and all such amounts so collected, except witness fees, shall be paid by said Clerk into the County Treasury on the last Monday of each month, provided that the witness fees assessed and collected by the Clerk shall be retained by him and paid over to the witness entitled to same, and to be assessed, collected and handled as are witness fees so assessed, collected and handled in the Circuit Court of Macon County. And the Clerk shall be paid and allowed to retain in settlement with the County from the fees, fines and costs collected in said Inferior Court, as Clerk's costs, for his services rendered as such Clerk, all fees, commissions, percentages, allowances, and other compensation, as are now, or may hereafter be allowed, to the Circuit Clerks of the State of Alabama. And in addition to the fees, commissions, percentages, allowances, and other compensation herein allowed, the Clerk shall be allowed and paid a salary of Six Hundred ($600.00) Dollars per annum, payable monthly in equal installments out of the County Treasury, upon a warrant drawn in the same manner as employees of Macon County are paid upon the County Treasurer or County Depository. The Clerk shall attend upon the duties of said Court at such hours as are designated by the Judge thereof and shall perform such other

clerical duties as may be prescribed by the Judge of said Court. The Clerk shall issue certificates of judgment; and for the issuing of said certificates of judgment he shall be allowed the same fees as are now allowed for the issuing of certificates of judgment in the County Court of Macon County, Alabama. The certificates of judgment hereinabove provided to be issued by the Clerk, shall upon being recorded in the Probate Office of said County, become a lien in the same manner and under the same regulations as now provided for certificates of judgment issued out of the Justice Court of Macon County, Alabama."

Section 2. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

Section 3. That this Act shall become effective upon its passage and approval by the Governor, or its otherwise becoming a law.

4-8-4t H. N. WATSON.

STATE OF ALABAMA,
MACON COUNTY

Before me, a notary puublic in and for said county and state, personally appeared Hal Fisher, who deposeth and sayeth that he is the publisher of THE TUSKEGEE NEWS, a weekly newspaper published in said County and State, and that the notice attached hereto was published for 4 consecutive weeks, as follows: April 8, 1943; April 15, 1943; April 22, 1943; April 29, 1943.

Signed: HAL FISHER,
Publisher.

Sworn to and subscribed before me this 3 day of May, 1943.

CARRIBEC CARR,
Notary Public, Macon County, Alabama.
(Seal) My Commission Expires May 11, 1946.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committee as follows:

House bills 315, 316, 317, 275, 276, 277, 213, 266, 280, 278, 281, 282, 283, 284, 345, 346, 347, 348, 349, 252, 221, to the Committee on Local Legislation.

REPORT OF RULES COMMITTEE

Mr. Carlton, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 9. Extending invitation to Honorable Wendell Willkie to address the Legislature of Alabama.

Also:

H. J. R. 15. Relative to allowing college credit to students now in armed forces taking various subjects.

Also:

H. J. R. 17. Requesting War Manpower Commission to give necessary priority relief to organizations in the essential activity of caring for the dead.

And the resolutions were adopted by the Senate.

And the Lieutenant-Governor and President of the Senate appointed Mr. St. John (Cullman), as Committee on part of the Senate in accordance with the provisions of H. J. R. 9.

RESOLUTIONS

Mr. Walton offered the following Senate joint resolution, to-wit:

S. J. R. 17. BE IT RESOLVED By the Senate of Alabama, the House concurring, that Senate Bill 26, which has passed both Houses of the Legislature of Alabama, and which relates to an increase in pensions paid to Confederate Soldiers and their widows, be and the same is hereby designated as the Pinson-Gullatt Bill.

Which was adopted.

Mr. Kelly offered the following Senate resolution, to-wit:

S. R. 18. BE IT RESOLVED By the Senate that the Committee on Finance and Taxation be increased by one member.

Which was read and referred to the Standing Committe on Rules.

BILLS ON THIRD READING

The bill:

S. 195. To amend Section Two of an Act approved March 15, 1939, entitled "An Act to allow the Sheriff of Cullman County, Alabama, an additional deputy; to provide for his appointment, qualification by giving bond; to hold office at the pleasure of said Sheriff; to fix his compensation; and to provide for payment thereof out of the general fund of the County; and to provide for the appointment of his successor where such Deputy is removed, dies or resigns."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Dodson	Hornsby	St. John (Cullman)
Bentley	Espy	Kelly	Shaver
Black	Goodwin	Lawson	Simpson
Brown	Henderson	Madison	Smith
Carlton	High	Newton	Toomer
Cater	Hill	Pinson	Walton

—23

Nays: —0

The bill:

S. 196. To prescribe the salary and the manner of payment of the same, of the Chief Deputy Sheriff for Cullman County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Dodson	Hornsby	St. John (Cullman)
Bentley	Espy	Kelly	Shaver
Black	Goodwin	Lawson	Simpson
Brown	Henderson	Madison	Smith
Carlton	High	Newton	Toomer
Cater	Hill	Pinson	Walton

—23

Nays: —0

The bill:

H. 9. To provide for the payment of witnesses before the grand juries, and state witnesses in all criminal cases, and the fees and commissions of the sheriff and clerk of the circuit court of Coffee County, Alabama, in all criminal cases where the state fails to convict, out of the general fund of said county.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Dodson	Hornsby	St. John (Cullman)
Bentley	Espy	Kelly	Shaver
Black	Goodwin	Lawson	Simpson
Brown	Henderson	Madison	Smith
Carlton	High	Newton	Toomer
Cater	Hill	Pinson	Walton

—23

Nays: —0

The bill:

H. 165. To provide for clerical assistants, and other expenses, of the offices of the Judge of Probate, Tax Collector, and Tax Assessor of Calhoun County, and to provide for the payment of the salaries of clerks, deputies, and clerical assistants in said officers out of the County Treasury of Calhoun County.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Espy	Kelly	St. John (Cullman)
Black	Goodwin	Lawson	Shaver
Brown	Henderson	Madison	Simpson
Carlton	High	McCary	Smith
Cater	Hill	Newton	Toomer
Dodson	Hornsby	Pinson	Walton

—23

Nays: —0

The bill:

H. 140. To provide for the election of a County Superintendent of Education for Coosa County, Alabama, by the qualified voters of said County; to provide the duties and fix the term of office and compensation and qualifications of such officer, and to provide for the selection and expenses of clerical help for said office and other expenses incident thereto.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Dodson	Hornsby	St. John (Cullman)
Bentley	Espy	Kelly	Sherrer
Black	Goodwin	Lawson	Simpson
Brown	Henderson	Madison	Smith
Carlton	High	Newton	Taylor
Cater	Hill	Pinson	Walton

—23

Nays: —0

The bill:

H. 161. To amend Sections 1 and 2 of an act approved September 9, 1935, entitled an act. To amend Sections 1 and 2 of an act approved July 17, 1931, entitled an act. To provide and require the sheriff of Tallapoosa County, Alabama, shall appoint and maintain a regular Deputy Sheriff at each of the following places in said county, to-wit: Alexander City, Dadeville, Daviston, and

East Tallassee. To prescribe the duties of such deputies and to provide for their compensation and the payment thereof by said county, and to fix the amount of such compensation.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Dodson	Hornsby	St. John (Cullman)
Bentley	Espy	Kelly	Sherrer
Black	Goodwin	Lawson	Simpson
Brown	Henderson	Madison	Smith
Carlton	High	Newton	Toomer
Cater	Hill	Pinson	Walton

—23

Nays: —0

The bill:

H. 229. To appropriate the sum of $20,348.00 out of the general fund of the State to Morgan County for the purpose of laying a water main to supply the Tuberculosis Sanitorium in Morgan County, Alabama, with water.

Was read a third time at length and passed.

Yeas, 30; Nays, 0.

Yeas:

Messrs.:	Dodson	Kelly	Shaver
Benson	Espy	Kilborn	Sherrer
Bentley	Garrett	Lawson	Simpson
Black	Goodwin	Madison	Smith
Bradford	High	McCary	Taylor
Brown	Hill	Pinson	Toomer
Cater	Hornsby	St. John (Cullman)	Walton
Cobb	Jones	St. John (Lawrence)	

—30

Nays: —0

The bill:

S. 35. To create and establish a four year medical school in the State of Alabama to be known as "The Medical College of Alabama," a school of medicine of the University of Alabama; to provide for its location, building, equipment, organization, operation, maintenance, ownership, management and control; and to make appropriations therefor from the General Fund and from the Special Education Trust Fund.

Was taken up.

The Standing Committee on Finance and Taxation offered the following amendment to the bill, to-wit:

To amend Senate Bill No. 35 by striking the words "Special Educational Trust Fund" where said words appear in Section 5, and inserting in lieu thereof the words "General Fund."

Which was adopted.

Yeas, 30; Nays, 0.

Yeas:

Messrs.:	Cobb	Jones	Shaver	
Benson	Dodson	Kelly	Sherrer	
Bentley	Espy	Kilborn	Simpson	
Black	Garrett	Madison	Smith	
Bradford	Goodwin	McCary	Taylor	
Brown	Henderson	Newton	Toomer	
Carlton	High	Pinson	Walton	
Cater	Hill	St. John (Cullman)		—30
Nays:				—0

Mr. Jones offered the following amendment to the bill, to-wit:

Amend Senate Bill No. 35 by striking the words, "and from the Special Educational Trust Fund", where said words appear in the title of said Bill, and inserting in lieu thereof the words, "or from any surplus fund created from the General Fund by the Legislature by whatever name called".

Which was adopted.

Yeas, 32; Nays, 0.

Yeas:

Messrs.:	Dodson	Kelly	St. John (Lawrence)	
Benson	Espy	Kilborn	Shaver	
Bentley	Garrett	Lawson	Sherrer	
Black	Goodwin	Madison	Simpson	
Bradford	Henderson	McCary	Smith	
Brown	High	Newton	Taylor	
Carlton	Hill	Pinson	Toomer	
Cater	Jones	St. John (Cullman)	Walton	
Cobb				—32
Nays:				—0

Mr. Jones also offered the following amendment to the bill, to-wit:

Amend Senate Bill No. 35 by adding after the word "created" and before the word "by" in the second line of Section 4 of the printed bill, the following: "from the General Fund."

Which was adopted.

Yeas, 33; Nays, 0.

Yeas:

Messrs.:	Dodson	Kelly	St. John (Lawrence)	
Benson	Espy	Kilborn	Shaver	
Bentley	Garrett	Lawson	Sherrer	
Black	Goodwin	Madison	Simpson	
Bradford	Henderson	McCary	Smith	
Brown	High	Newton	Taylor	
Carlton	Hill	Pinson	Toomer	
Cater	Hornsby	St. John (Cullman)	Walton	
Cobb	Jones			—33
Nays:				—0

Mr. Jones also offered the following amendment o the bill, to-wit:

Amend Senate Bill No. 35 by adding a comma in place of the period after the word "Colleges" in the last line of paragraph one of Section 2 of the printed Bill, and by adding the following: "and the Board of Trustees of the University of Alabama, and the Governor."

Which was adopted.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:	Henderson	Lawson	Shaver	
Benson	High	Madison	Sherrer	
Bentley	Hill	McCary	Simpson	
Black	Hornsby	Newton	Smith	
Carlton	Jones	Pinson	Taylor	
Dodson	Kelly	St. John (Cullman)	Toomer	
Espy	Kilborn	St. John (Lawrence)	Walton	
Goodwin				—28
Nays:				—0

Mr. Jones also offered the following amendment o the bill, to-wit:

Amend Senate Bill No. 35 by adding after the word "to" and before the word "known" in the printed bill where the same appears in line three of section one the word "be".

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:	Cobb	High	Kilborn
Benson	Dodson	Hill	Madison
Bentley	Espy	Hornsby	McCary
Black	Goodwin	Jones	Newton
Cater	Henderson	Kelly	Pinson

St. John (Cullman)	Shaver	Simpson	Walton	
St. John (Lawrence)	Sherrer	Taylor		—26
Nays:				—0

Mr. Jones also offered the following amendment to the bill, to-wit:

Amend Senate Bill No. 35 by striking from line 21 page 2 of the printed bill the word "by" and by inserting in lieu thereof the word "be".

Which was adopted.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:	Espy	Kilborn	Shaver	
Benson	Garrett	Lawson	Sherrer	
Bentley	Goodwin	Madison	Simpson	
Black	Henderson	McCary	Smith	
Carlton	High	Pinson	Taylor	
Cater	Jones	St. John (Cullman)	Toomer	
Dodson	Kelly	St. John (Lawrence)	Walton	
				—27
Nays:				—0

Mr. St. John of Cullman offered the following amendment to the bill, to-wit:

Amend Senate Bill No. 35 by striking the words and figures ($350,000) wherever the same appear together therein and inserting in lieu thereof the words and figures ($366,750.00).

Which was adopted.

Yeas, 32; Nays, 0.

Yeas:

Messrs.:	Dodson	Kelly	St. John (Lawrence)	
Benson	Espy	Kilborn	Shaver	
Bentley	Goodwin	Lawson	Sherrer	
Black	Henderson	Madison	Simpson	
Bradford	High	McCary	Smith	
Brown	Hill	Newton	Taylor	
Carlton	Hornsby	Pinson	Toomer	
Cater	Jones	St. John (Cullman)	Walton	
Cobb				—32
Nays:				—0

Mr. Walton offered the following amendment to the bill, to-wit:

To amend Senate Bill No. 35 by striking from lines 1 & 2 on page 6 of the printed bill the words and figures "One Hundred

fifty dollars ($150.00)", and insert in lieu thereof the words and figures "Four Hundred Dollars ($400.00)".

Which was adopted.

Yeas, 32; Nays, 0.

Yeas:

Messrs.:	Dodson	Kelly	St. John (Lawrence)
Benson	Espy	Kilborn	Shaver
Bentley	Goodwin	Lawson	Sherrer
Black	Henderson	Madison	Simpson
Bradford	High	McCary	Smith
Brown	Hill	Newton	Taylor
Carlton	Hornsby	Pinson	Toomer
Cater	Jones	St. John (Cullman)	Walton
Cobb			—32

Nays: —0

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 33; Nays, 0.

Yeas:

Messrs.:	Dodson	Kelly	St. John (Lawrence)
Benson	Espy	Kilborn	Shaver
Bentley	Garrett	Lawson	Sherrer
Black	Goodwin	Madison	Simpson
Bradford	Henderson	McCary	Smith
Brown	High	Newton	Taylor
Carlton	Hill	Pinson	Toomer
Cater	Hornsby	St. John (Cullman)	Walton
Cobb	Jones		—33

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Sessions:

H. 176. To provide for the rehabilitation, reorganization and liquidation of insurers doing business in more than one state; to define a "reciprocal state"; to provide that the insurance supervisory agency of such state be vested with title to the assets of any domestic insurer and conduct the affairs of delinquent insurers under judicial supervision; to provide for the filing of claims in this State by claimants who reside, or whose claims are based upon acts or contracts of insurers, in a reciprocal state; to

provide that the Circuit Courts of this State shall have jurisdiction of such claims arising in this State; to determine the preferences against the general assets of domestic insurers; to provide for the administration of such deposits, or bonds in lieu thereof, of delinquent domestic insurers; to establish equalization of secured claims against delinquent domestic insurers and to define same; to provide that title to assets of delinquent domestic insurers shall vest in the insurance supervisory agency of any reciprocal state wherein proceedings against such insurer are commenced; to define those special deposits of such insurers which shall be subject to such proceedings; and to provide for the administration of general assets of such insurers by the insurance supervisory agency of reciprocal states.

Also:

By Mr. Sessions:

H. 177. To amend Section 213 of Title 28 of the 1940 Code of Alabama.

Also:

By Mr. Sessions:

H. 178. To amend Title 28, Section 53, Code of 1940.

Also:

By Mr. Sessions:

H. 49. To amend Section 820, Title 51, of the Code of 1940.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House were severally read one time and referred to appropriate standing committee as follows:

House bills 176, 177, 178 and 49, to the Committee on Insurance.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Rains:

H. 167. To amend Title 5, Section 220, Code of 1940, to provide qualifications of Directors and Officers of Savings & Loan Associations.

Also:

By Mr. Rains:

H. 168. To amend Title 5, Section 244, Code of 1940, to provide for the Savings & Loan Board:

By Mr. Smyer:

H. 170. To further regulate the supervision of credit unions.

By Mr. Johnston of Mobile:

H. 185. To amend Title 5, Section 239, Code of 1940, to provide for unclaimed funds of Associations and Liquidations.

Also:

By Mr. Johnston of Mobile:

H. 186. To amend Title 5, Section 243, Code of 1940, to provide the supervisory power of the Commissioner:

Also:

By Mr. White:

H. 193. To amend Title 5, Section 149, Code of 1940, to provide for conservatorship and receivership of Savings and Loan Associations.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committee as follws:

House bills 167, 168, 170, 185, 186 and 193, to the Committee on Banking.

BILLS ON THIRD READING RESUMED

The bill:

S. 110. To amend Title 5, Section 220, Code of 1940, to provide qualifications of Directors and Officers of Savings & Loan Associations.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 31; Nays, 0.

Yeas:

Messrs.:	Cobb	Kelly	St. John (Lawrence)
Benson	Espy	Kilborn	Shaver
Bentley	Garrett	Lawson	Sherrer
Black	Goodwin	Madison	Simpson
Bradford	Henderson	McCary	Smith
Brown	High	Newton	Taylor
Carlton	Hill	Pinson	Toomer
Cater	Hornsby	St. John (Cullman)	Walton

—31

Nays: —0

The bill:

S. 171. To regulate bank deposits in two names, and to permit payment thereof, and any interest and dividends thereon, to either party whether the other be living or dead; and to define right of survivor therein.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 31; Nays, 0.

Yeas:

Messrs.:	Cobb	Kelly	St. John (Lawrence)
Benson	Espy	Kilborn	Shaver
Bentley	Garrett	Lawson	Sherrer
Black	Goodwin	Madison	Simpson
Bradford	Henderson	McCary	Smith
Brown	High	Newton	Taylor
Carlton	Hill	Pinson	Toomer
Cater	Hornsby	St. John (Cullman)	Walton

—31

Nays: —0

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your standing Committee on Revision of the Journal begs leave to report that said Committee, in session, has carefully ex-

amined the Journal of the Senate for the Fifteenth day and finds same correct and containing all original entries and references thereto required by the Constitution.

Jim Smith, Jr.,
Chairman.

COMMITTEE REPORT

On motion of Mr. Smith, the foregoing report was concurred in and the Journal of the Senate for the Fifteenth Day approved by the Senate.

ADJOURNMENT

At 12:45 P. M. on motion of Mr. Cobb, the Senate adjourned until tomorrow, Thursday, May 20, 1943, at ten o'clock A. M.

SEVENTEENTH DAY

Thursday, May 20, 1943

The Senate met pursuant to adjournment Lieutenant Governor Ellis, presiding.

PRAYER

The session was opened with prayer by Dr. D. P. Slaughter, District Superintendent of the Methodist Church, Montgomery.

ROLL CALL

Messrs.:	Dodson	Jones	St. John (Lawrence)
Benson	Espy	Kelly	Shaver
Bentley	Garrett	Kilborn	Sherrer
Black	Goodwin	Madison	Simpson
Bradford	Henderson	McCary	Smith
Brown	High	Newton	Taylor
Carlton	Hill	Pinson	Toomer
Cater	Hornsby	St. John (Cullman)	Walton
Cobb			

—32

JOURNAL

On motion of Mr. Carlton the reading of the Journal of yesterday, was dispensed with and same approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Sherrer, leave of absence was granted Mr. Lawson for today.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills and House joint resolutions, your signature thereto is requested:

H. 9. To provide for the payment of witnesses before the grand juries, and state witnesses in all criminal cases, and the fees and commissions of the sheriff and clerk of the circuit court of Coffee County, Alabama, in all criminal cases where the state fails to convict, out of the general fund of said county.

Also:

H. 140. To provide for the election of a County Superintendent of Education for Coosa County, Alabama, by the qualified voters of said County; to provide the duties and fix the term of office and compensation and qualifications of such officer, and to provide for the selection and expenses of clerical help for said office and other expenses incident thereto.

Also:

H. 161. To amend Sections 1 and 2 of an act approved September 9, 1935, entitled an act. To amend Sections 1 and 2 of an act approved July 17, 1931, entitled an act. To provide and require the sheriff of Tallapoosa County, Alabama, shall appoint and maintain a regular Deputy Sheriff at each of the following places in said county, to-wit: Alexander City, Dadeville, Daviston, and East Tallassee. To prescribe the duties of such deputies and to provide for their compensation and the payment thereof by said county, and to fix the amount of such compensation.

Also:

H. 165. To provide for clerical assistants, and other expenses, of the offices of the Judge of Probate, Tax Collector, and Tax Assessor of Calhoun County, and to provide for the payment of the salaries of clerks, deputies, and clerical assistants in said officers out of the County Treasury of Calhoun County.

Also:

H. 229. To appropriate the sum of $20,348.00 out of the general fund of the State to Morgan County for the purpose of

laying a water main to supply the Tuberculosis Sanitorium in Morgan County, Alabama, with water.

Also:

H. J. R. 9. Relative to the Legislature of Alabama extending an invitation to the Honorable Wendell Willkie to address the two Houses of Legislature.

H. J. R. 15. Relative to former students of the State's accredited colleges who as members of armed forces are pursuing studies in out-of-state accredited colleges and universities being given credit for such studies as far as practicable and that some method be adopted for certification of same.

H. J. R. 17. Relative to requesting War Manpower Commission to give priority relief to those individuals engaged in caring for the dead, anad placing the funeral and cemetery service industry on list of essential activities.

R. T. Goodwyn, Jr.,
Clerk.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and House joint resolutions, the titles of which are set out in the foregoing message from the House.

REPORT OF COMMITTEE ON ENGROSSED BILLS

Mr. President:

Your Standing Committee on Engrossed Bills begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

S. 35. To create and establish a four year medical school in the State of Alabama to be known as "She Medical College of Alabama," a school of medicine of the Universtiy of Alabama; to provide for its location, building, equipment, organization, operation, maintenance, ownership, management and control; and to make appropriations therefor from the General Fund or from

any surplus fund created from the General Fund by the Legislature by whatever name called.

Orlan B. Hill,
Chairman.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. St. John (Cullman):

S. 229. To amend Section 293, Title 26, Code 1940.

Committee on Judiciary.

By Mr. St. John (Cullman):

S. 230. To amend Section 100, Title 52, of the 1940 Code of Alabama.

Committee on Education.

By Mr. Hill:

S. 231. To authorize the employment by the Director of Public Safety of civilian guards for the highways, bridges and other public buildings and property belonging to the State; to define their powers and duties; to exempt said persons so employed from the provisions of the Merit System and to appropriate sufficient funds for the salaries of such civilian guards.

Committee on Finance and Taxatoin.

By Mr. Shaver (With Notice and Proof):

S. 232. To amend Section 15 of an Act entitled an Act "To establish in Precinct One in Madison County, Alabama, an Inferior Court in lieu of all Justices of the Peace and Notaries Public with the powers of a Justice of the Peace in the said Precinct, to be known as the Inferior Court of Huntsville, to define the jurisdiction and powers of said Court and the Judge thereof." Approved April 4, 1911, as amended by an Act of the Legislature approved March 2, 1931, aand as further amended by an Act of the Legislature approved January 8, 1837.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE is hereby given of the intention to apply for the passage by the Legislature of Alabama, at its regular 1943 session of the following local law:

A BILL
TO BE ENTITLED
"AN ACT

"To amend Section 15 of an Act entitled an Act "To establish in Precinct One in Madison County, Alabama, an Inferior Court in lieu of all Justices of the Peace and Notaries Public with the powers of a Justice of the Peace in the said Precinct, to be known as the Inferior Court of Huntsville, to define the jurisdiction and powers of said Court and the Judge thereof." Approved April 4, 1911, as amended by an Act of the Legislature approved March 2, 1931, and as further amended by an Act of the Legislature approved January 8, 1937.

Be it Enacted by the Legislature of Alabama:

Section One: That Section 15 of an Act entitled "An Act to establish in Precinct One in Madison County, Alabama, an Inferior Court in lieu of all Justices of the Peace and Notaries Public with the powers of a Justice of the Peace in said Precinct, to be known as the Inferior Court of Huntsville, to define the jurisdiction and powers of said Court and the Judge thereof. "Approved April 4, 1911, as amended by an Act of the Legislature approved March 2, 1931, and as further amended by An Act of the Legislature approved January 8, 1937, be and the same is hereby amended so as to read as follows: Section 15. The Judge of said Court shall receive a salary of Eighteen Hundred ($1800.00) Dollars per annum, payable monthly upon warrant drawn upon the County Treasury of Madison County by the Chairman of the Board of County Commissioners of said County. The Clerk shall receive as compensation not more than One Hundred ($100.00) Dollars per month out of the County Treasury of Madison County on certificate issued to the Clerk by the Judge of said Court once each month and presented to the Chairman of the Board of County Commissioners of said County who shall thereupon issue a warrant in favor of said Clerk upon the County Treasury of said County therefor.

Section Two: All laws or parts of laws in conflict with this Act are hereby expressly repealed.

Section Three: This Act shall take effect immediately upon its passage and approval by the Governor." April 26, May 3, 10, 17.

STATE OF ALABAMA,
MADISON COUNTY.

Before me, W. P. Nicholson, a notary public in and for said state and county this day personally appeared J. M. Langhorne, who being first duly sworn deposes and says that he is Business Manager of The Huntsville Times, a newspaper of General Circulation in the City of Huntsville, Madison County, Alabama; that the foregoing notice of proposed Bill to be introduced for passage in the Legislature of Alabama was published and printed in said newspaper once a week for four consecutive weeks, as follows: April 26, 1943; May 3, 1943; May 10, 1943; May 17, 1943.

J. M. LANGHORNE,
Business Manager.

Sworn to and subscribed before me this 18 day of May, 1943.

W. P. NICHOLSON,
Notary Public.

My commission expires November 3, 1943.

By Mr. Newton:

S. 233. To exempt Homesteads from County Ad Valorem Taxation.

Committee on Finance and Taxation.

By Mr. Newton:

S. 234. To set up in the State Treasury a Surplus Income Tax Fund and to Provide for its Distribution.

Committee on Finance and Taxation.

By Mr. Simpson:

S. 235. To amend Sections 130, 137, 139, 140, 141, 143, 144, 145, 149 and 150 of Title 46, of the Code of Alabama of 1940.

Committee on Judiciary.

By Mr. Espy:

S. 236. To repeal Article 6, Sections 387 and 388 of Title 62, of the 1940 Code of Alabama.

Committee on Municipalities and Municipal Organizations.

REPORTS OF COMMITTEES

Mr. Shaver, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Hill:

S. 1. To provide against want and destitution caused by unemployment resulting from economic emergency in the State of Alabama, through the encouragement of the construction of public works projects by political subdivisions of the State; to provide for the creation and incorporation of the Alabama Emergency Finance Corporation and to define its powers and duties; to authorize the purchase, resale, or exchange by said corporation of public improvement assessment bonds or revenue bonds issued by any body politic in the State of Alabama; to encourage or promote the construction or reconstruction of any public works project by said Alabama Emergency Finance Corporation; to appropriate one million dollars to the Alabama Emergency Finance Corporation to be used for said purposes, and to appropriate twenty-

five thousand dollars to pay the costs and expenses of said corporation.

By Mr. Taylor:

S. 32. To amend Section 238 of Title 51 of the Code of Alabama of 1940.

By Mr. Bentley:

S. 95. To provide for the removal from office of fiduciaries engaged in War Service and to provide for the appointment of their successors, and to provide for the removal from office of such successor fiduciaries and the reappointment of fiduciaries theretofore removed from office because of War Service, and to provide for notice and hearing of petitions for the above purposes and to provide for bonds to be given by fiduciaries so appointed and to define the term "War Service" and the term "fiduciary" as used herein.

By Mr. Bentley:

S. 96. To provide for Powers of Attorney, relating to persons in military service or to civilians who go out of the country or who are without the country.

By Mr. Bentley:)

S. 99. To Amend Section 40 of Title 61 of the Code of Alabama, 1940.

By Mr. Kilborn:

S. 186. To repeal an Act entitled "An Act to provide for an increase in the salaries of firemen and policemen in incorporated cities of the State of Alabama now or hereafter subject to or governed by a commission created or elected under or by authority of the General Act of Alabama of 1911, page 330 by setting aside or appropriating for such purposes one-half of the monies derived by each city under the terms of the Alcoholic Beverage Control Act of this State, and to fix the method by which the salaries of said firemen and policemen may be increased", approved March 4, 1937.

By Mr. Taylor:

S. 203. To amend Section 68 of Title 35 of the Code of Alabama of 1940.

By Mr. Kilborn (with amendment):

S. 215. To authorize the State of Alabama, its agencies, institutions, boards, bureaus and commissions, counties, municipalities and school boards to invest surplus funds in bonds or direct obligations of the United States of America, to provide for application to the Department of Finance for authority to make such investment and type and amounts of obligations to be purchased.

By Mr. Fite:

H. 79. To regulate the practice in equity cases in the matter of objection to and consideration of testimony and evidence.

By Messrs. Johnston, Stone and Sullivan:

H. 95. To amend Section 39, Title 62, of the Code of Alabama of 1940, the same being part of an Act approved Sept. 6, 1935, and found in the Acts of Alabama, 1935, pages 772 and 773.

By Mr. Johnston:

H. 101. To amend Section 99, Title 21, Code 1940.

By Mr. Locke:

H. 114. To regulate the right of a person convicted of a felony before or after the judgment of conviction has been affirmed on appeal to inquire into matters occurring prior to his conviction; to prescribe a limitation on the right, and the manner of its exercise, and to provide that it be based upon a denial of some constitutional right or other jurisdictional cause not shown by the record or proceedings of conviction and unknown to the petitioner until after he has been convicted.

By Mr. Walker:

H. 138. To amend Section 318, Title 15, Code of 1940.

By Mr. Stell:

H. 214. To amend Section 3 of Title 54 of the Code of Alabame, 1940.

Mr. Simpson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Hodo:

H. 47. To make appropriation of Two Hundred and Fifty Thousand Dollars ($250,000.00), or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to defray the expenses of the present session of the Legislature.

By Mr. Norman (Bullock):

H. 4. To repeal an Act approved September 21, 1939, entitled "An Act to provide for the transfer of any surplus over and above $1,150,000.00 in the State Treasury to the credit of the General Fund, after the payment of all appropriations now or hereafter made payable from said fund, for each of the fiscal years ending September 30, 1939, September 30, 1940, September 30, 1941, September 30, 1942, and September 30, 1943, to the Minimum Program Fund for expenditure during the fiscal year next succeeding the fiscal year in which said surplus accrues, in accordance with the statutes and regulations of the State Board of Education relating to the expenditure of such fund."

By Mr. Norman (Bullock):

H. 5. To repeal an Act approved September 21, 1939, entitled "An Act to appropriate the first $400,000.00 of any surplus over and above $750,000.00 in the State Treasury to the credit of the General Fund, after providing for the payment of all appropriations now or hereafter made payable from said fund, for each of the fiscal years ending September 30, 1939, September 30, 1940, September 30, 1941, September 30, 1942 and September 30, 1943, to provide a retirement fund for teachers in the State supported schools and colleges, to be expended in accordance with such statutes and regulations as may then be in force relating to the expenditure of such fund."

By Mr. Norman (Bullock):

H. 6. To set up in the State treasury a fund to be known as the Alabama Special Educational Trust Fund Surplus Account.

By Messrs. Payne and Bennett (Calhoun):

H. 127. To establish an agricultural experiment branch station in the area of Alabama generally known as the Piedmont Area or Piedmont Plateau, and to appropriate sixty thousand dollars for such purposes and the additional sum of fourteen thousand nine hundred dollars annually for the maintenance and operation of said agricultural experiment branch station.

By Mr. Cobb (with amendment):

S. 156. To provide for relief of individuals, partnerships and corporations engaged in business in which stocks of merchandise are now or may have been frozen by orders of Office of Price Administration or other federal government agencies for war emergency from ad valorem taxation, and to provide for the time for which such relief shall extend or cover.

By Mr. Norman (Bullock):

H. 25. To amend Section 784, Title 51, of the 1940 Code of Alabama.

By Mr. Henderson:

S. 64. To provide for the blood testing for syphilis of all persons residing in Alabama, and to appropriate not to exceed $75,000. annually to carry out the terms of this Act.

Mr. Cobb, Chairman of the Standing Committee on Local Legslation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Dobbs and Golson (Elmore) (with notice and proof):

H. 266. To provide for the payment of traveling expenses of the Chief Deputy Sheriff of Elmore County, Alabama, in the performance of his official duties.

By Mr. Coburn (with notice and proof):

H. 275. To authorize, empower, and direct the Board of Revenue or Court of County Commissioners or other like governing body of Colbert County, Alabama, to provide for and furnish to the deputy or County Solicitor for said County suitable office space in Colbert County, Alabama, and office supplies, stationery and telephone for said office, and to provide for the payment of rent for said office and for the payment of said office supplies, stationery, and telephone by warrants drawn by the Judge of the Probate Court as chairman of the Board of Revenue or Court of County Commissioners or other like governing body for said County, out of the general funds of said County.

By Mr. Coburn (with notice and proof):

H. 276. To allow the Sheriff of Colbert County, Alabama, an additional deputy sheriff to that now provided by law; to fix the

salary of said deputy and to make the same payable out of the General Funds of Colbert County in monthly installments.

By Mr. Coburn (with notice and proof):

H. 277. To provide that all official offices in the Court House of Colbert County, Alabama, may close at noon on one day in each week during the year; to provide the fixing of the day for closing and notice thereof.

By Mr. Givhan (with notice and proof):

H. 315. To prescribe the duties and fix additional compensation to that now allowed by law for the Coroner of Dallas County, Alabama and to provide payment for the performance of such.

By Messrs. Givhan and Molette (with notice and proof):

H. 136. For relief of Mrs. Joseph E. Fort, compensation for the death of her husband, Joseph E. Fort, deceased, of Dallas County, Alabama, while he was in the line of and performing his duty as a road employee for the County of Dallas, State of Alabama.

By Mr. Givhan (with notice and proof):

H. 317. To Authorize, empower and require the County Board of Education of Dallas County, Alabama to pay the costs and expenses of the biennial school census of said County, to purchase and procure any and all necessary items and services, to pay all of the expenses in connection with the operation of the office of the County Board of Education, its officers and agents thereof, and to pay for the same from County school funds.

Mr. Bentley, Chairman of the Standing Committee on Privileges and Elections, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McCary:

S. 223. To Amend Section 111 of Title 17 of the Code of Alabama of 1940.

By Mr. Cater:

S. 180. To amend Section 106, Article 15, Chapter 2, Title 62, Code of Alabama 1940.

By Mr. McCary:

S. 224. To provide additional compensation for election officials for attending schools of instruction regarding the use and operation of voting machines in all counties and municipalities or other political sub-divisions of the State, in which elections are conducted by voting machines; and to provide for the manner of paying said compensation.

Mr. Hill, Vice-Chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Henderson:

S. 66. To give to the Alabama State Highway Department the authority to acquire in the name of the State, lands or other properties for aeronautical purposes; to construct air navigation facilities in the State of Alabama; to maintain such facilities; and to otherwise enlarge its powers.

Mr. Taylor, Chairman of the Standing Committee on Fish and Game, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. St. John (Lawrence):

S. 125. To repeal Section 71 of Title 8 of the Code of Alabama of 1940.

By Mr. St. John (Lawrence):

S. 123. To give the Department of Conservation full jurisdiction and control over all fresh water fishes in the public waters of Alabama and the authority to make and enforce all rules and regulations, which shall have the force and effect of law, for the protection, propagation and conservation of same, including the right to prescribe the manner and means of taking or catching or attempting to take or catch, the time when and the places from which said fresh water fishes may be taken or caught. To prescribe the size and for the measurement of trotlines, setlines, or snaglines, or seines and of different kinds of nets and other fishing devices that may be used in fishing; to license and define any and all kind of fishermen or dealers in fresh water fish and to re-

quire a license for fishing, or dealing by retail, wholesale or otherwise in fresh water fish and to provide for the issuance of said licenses and for the disposition of the amount charged for said licenses; to define commercial fishing gear or devices; to regulate the time, manner and means for shipping or transporting fresh water fishes within or without the boundaries of this state and to require the marking of all such fish shipped or transported within this state in packages or containers and to make it unlawful for any person, firm or corporation to accept for shipment or transportation any package or container of such fish unless it is marked as prescribed in this Act; to prescribe the size and kind of said fish that may be taken or caught and the manner and means of catching the same; to require the marking of certain fishing devices and the marking of the location where certain fishing devices or fishing material is being used in fishing; to make it unlawful to catch fresh water fish by use of any unlicensed fishing devices, tackle or material and to authorize the confiscation and disposition of all fishing devices and material and fish and fish containers used or held in possession by any person, firm or corporation unlawfully, and to provide for the revocation or suspension of licenses for failure to comply with the terms of this Act; to provide for records to be kept by commercial fishermen and other dealers in such fish and for reports to be made by commercial fishermen and other dealers in fish to the Director of Conservation and for the audit of such records; to see that all fishing licenses and taxes are paid; to give the Department of Conservation authority to cooperate and contract with the fish and wildlife service of the Department of the Interior of the United States Government and any other branch of the Government of the United States and with the Tennessee Valley Authority and with any other person, firm or corporation in carrying out the provisions of any Act of Congress for the sale, distribution or propagation of all fishery products, and the extension of the producing areas thereof; to provide that a violation of any of the provisions of this Act or regulations based thereunder shall be a misdemeanor and to provide for penalties for violations of this Act and to repeal all laws and parts of laws, general, special and local, in conflict with the provisions of this Act.

MESSAGE FROM THE HOUSE

Mr. President:
The House has originated and passed the following bill:

By Mr. Smyer:
H. 169. To Provide for the Payment of the Expenses of Examining Credit Unions.

And sends same herewith without engrossment to the Senate.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee as follows:

H. B. 169, to the Committee on Banking.

MESSAGE FROM THE HOUSE

Mr. President:
The House has originated and passed the following bills:

By Mr. Norman of Bullock:
H. 26. To make appropriations for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the State, for the interest on the public debt, and for the public schools.

Also:

By Mr. Hodo:
H. 45. To make annual appropriations for the support, maintenance, and development of public education in Alabama for each of the fiscal years ending September 30, 1944, and September 30, 1945, including all schools, agencies, services, and institutions under the general or direct control or subject to the rules and regulations of the State Board of Education, the Board of Trustees of Alabama College, the Board of Trustees of the Alabama Polytechnic Institute, the Board of Trustees of the University of Alabama.

And ordered same sent forthwith to the Senate.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committee as follows:

H. 26 and H. 45, to the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Robertson of Cullman:

H. 325. To authorize the Road and Bridge Commissioner of Cullman County, Alabama, to levy and collect a privilege tax on all persons, corporations, co-partnerships, companies, agencies, associations, and refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naptha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil," "fuel oil", or "crude oil" commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; to authorize said Road and Bridge Commissioner of said county, to provide the necessary rules and regulations and machinery for the collection of said privilege tax; to make provisions for the distribution of the funds derived from said privilege tax; to prohibit any incorporated city or town in said County from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage, such motor fuels, on a quantity basis; to repeal the municipal privilege, excise and or license taxes on gasoline, Woco-Pep, or any other motor fuel, used by self propelled vehicles which may now be collected or levied by any incorporated city or town in said county; to provide for the use of the money derived from said privilege tax and to provide penalties for the violation of such rules and regulations; to repeal all laws and parts of laws, general or special, in conflict with this act and to provide when this Act shall become effective.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
CULLMAN COUNTY

Notice is hereby given that the following bill will be introduced and passed at the 1943 Session of the Legislature of Alabama:

A BILL
TO BE ENTITLED
AN ACT

To authorize the Road and Bridge Commissioner of Cullman County, Alabama, to levy and collect a privilege tax on all persons, corporations, co-partnerships, companies, agencies, associations, and refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naptha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil," "fuel oil", or "crude oil" commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; to authorize said Road and Bridge Commissioner of said county, to provide the necessary rules and regulations and machinery for the collection of said privilege tax; to make provisions for the distribution of the funds derived from said privilege tax; to prohibit any incorporated city or town in said County from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage, such motor fuels, on a quantity basis; to repeal the municipal privilege, excise and or license taxes on gasoline, Woco-Pep, or any other motor fuel, used by self propelled vehicles which may now be collected or levied by any incorporated city or town in said county; to provide for the use of the money derived from said privilege tax and to provide penalties for the violation of such rules and regulations; to repeal all laws and parts of laws, general or special, in conflict with this act and to provide when this Act shall become effective.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the Road and Bridge Commissioner of Cullman County, Alabama, may for the purpose of constructing and maintaining public roads, streets, bridges and ferries in Cullman County, Alabama, levy and collect a privilege tax of not more than one cent per gallon on all gasoline, naptha, and other liquid motor fuels on any device or substitute therefor, commonly used in internal combustion engines provided, however, that nothing contained herein, shall be held to apply to those products known commercially as "kerosene oil," "fuel oil", or "crude oil" commonly used for lighting, heating or industrial purposes, sold or delivered in said County, for the privilege of selling or delivering same.

Section 2. That said Road and Bridge Commissioner may also provide rules and regulations and machinery for the collection of such privilege tax.

Section 3. All of the net proceeds of said privilege tax collected within the corporate limits of any incorporated city or town in Cullman County, Alabama, shall be paid over to such incorporated city or town each month as collected.

Section 4. After the passage and approval of this Act, it shall be unlawful for any incorporated city or town in said Cullman County, Alabama, to

levy or collect a privilege license or excise tax on said motor fuels, or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels, on a quantity basis provided, however, this shall not applv to the ordinary license to do business in the municipalities. All municipal privilege, excise, and or license taxes on gasoline, Woco-Pep, or any other motor fuel used by self propelled vehicles now being levied or collected by any incorporated city or town in said county are hereby expressly repealed.

Section 5. That all such privilege taxes to be levied or imposed under this Act and the money derived therefrom shall be used exclusively for the purpose of constructing and maintaining public roads, streets, bridges and ferries in said county of Cullman, but the money accruing hereunder to any incorporated city or municipality may be expended as may be directed by the constituted authorities of such incorporated city or municipality.

Section 6. That any persons, firms, corporations, co-partnerships companies, agencies, associations and refiners violating any of the provisions of this act, or any rules and regulations and machinery for the collection of such privilege tax made and promulgated by the Road and Bridge Commissioner of Cullman County, Alabama, shall be guilty of a misdemeanor.

Section 7. This Act shall take effect on the first of the month next succeeding its passage and approval.

Section 8. If any part, sections or clauses of this Act shall be held to be unconstitutional the same shall not affect any other part, clause or section of the Act not declared to be unconstitutional.

Apr. 8-15-22-29.

THE STATE OF ALABAMA,
CULLMAN COUNTY

Before me, Evelyn Hollis, a Notary Public in and for said County and State, personally appeared J. R. Rosson, publisher of THE CULLMAN DEMOCRAT, a weekly newspaper published in Cullman, Cullman County, Alabama, and being duly sworn, says, that the notice of which the attached is a true copy, was published in said newspaper, once a week, for four successive weeks and being in the issues of the said newspaper of the following dates, viz April 8, 15, 22, 29, 1943.

J. R. ROSSON, Publisher.

Sworn to and subscribed before me this the 8 day of May, 1943.

(Seal) EVELYN HOLLIS, Notary Public.

Also:

ByMr. Robertson of Cullman:

H. 324. To require the Board of Revenue or like governing body of Cullman County to appropriate annually out of the general fund of the county a sum not less than Six thousand dollars per annum, such sum to be a preferred claim, and payable to the Road and Bridge Commissioner of Cullman County, Alabama, for the construction and maintenance of public roads, bridges, and ferries of Cullman County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
CULLMAN COUNTY

Notice is hereby given that the following bill will be introduced and passed at the 1943 Session of the Legislature of Alabama:

A BILL
TO BE ENTITLED
AN ACT

To require the Board of Revenue or like governing body of Cullman County to appropriate annually out of the general fund of the county a sum not less than Six thousand dollars per annum, such sum to be a preferred claim, and payable to the Road and Bridge Commissioner of Cullman County, Alabama, for the construction and maintenance of public roads, bridges and ferries of Cullman County, Alabama.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the Board of Revenue or like governing body of Cullman County, Alabama shall appropriate annually a sum not less than Six thousand dollars per annum, which is to be used for the purposes of constructing and maintaining the public roads, bridges and ferries of Cullman County, Alabama; said funds to be a preferred claim on the general fund of the county, and payable in monthly installments of Five hundred dollars, on the first day of each month, beginning on the first day of September, 1943, to the Road and Bridge Commissioner of Cullman County, Alabama.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor.

8—15—22—29

THE STATE OF ALABAMA, CULLMAN COUNTY

Before me, Evelyn Hollis, a Notary Public in and for said County and State, personally appeared J. R. Rosson, publisher of THE CULLMAN DEMOCRAT, a weekly newspaper published in Cullman, Cullman County, Alabama, and being duly sworn, says, that the notice of which the attached is a true copy, was published in said newspaper, once a week, for Four successive weeks and being in the issues of the said newspaper of the following dates, viz April 8, 15, 22, 29, 1943.

J. R. ROSSON,
Publisher.

Sworn to and subscribed before me this 8 day of May 1943.

EVELYN HOLLIS,
Notary Public.

(SEAL)

Also:

By Mr. Givhan:

H. 314. To provide for the closing of the Offices of Judge of Probate, Tax Assessor, Clerk of Circuit Court, Tax Collector, Register of Circuit Court, Superintendent of Education and Board of Revenue, or other like Governing Body of Dallas County, Ala.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

The Legislature of Alabama will be requested to pass the following local law at the Regular 1943 Session; which law shall be substantially as follows:

AN ACT

A Bill entitled "An Act to Provide for the closing of the Offices of Judge of Probate, Tax Assessor, Clerk of Circuit Court, Tax Collector, Register of Circuit Court and Board of Revenue, or other like Governing Body of Dallas County, Ala."

Be it Enacted by the Legislature of Alabama:

Section 1. From and after the passage of this Act it shall be lawful for the offices of the Judge of Probate, Tax Collector, Tax Assessor, Clerk of Circuit Court, Register of the Circuit Court, and Board of Revenue, or other like governing body of Dallas County, Alabama, to be closed from noon on each Saturday until the following Monday morning, with the assent of the Probate Judge.

Section 2. It is not the purpose of this Act to close the offices in the Courthouse on Saturday afternoons during the season or seasons when it would be of importance to the public generally that they remain open. It therefore shall be left to the discretion of the Judge of Probate of Dallas County, Alabama and he is hereby given the authority to designate the Saturday afternoons when the said offices shall remain open.

Section 3. That this Act shall be effective upon its passage and approval by the Governor.

THE COURT OF CUNTY REVENUES OF DALLAS COUNTY, ALABAMA. 16-23-30-7

THE STATE OF ALABAMA,
DALLAS COUNTY.

Before me, Eugenia B. Gusdorf, a Notary Public in and for said County in said State, personally appeared Mary M. Raiford who is known to me, and who, being duly sworn by me deposes and says on oath that she is the Publisher of The Selma Times-Journal, a daily newspaper published in Selma, Dallas County, Alabama, and that the foregoing notice, a true copy of which is hereto attached, was published in The Selma Times-Journal once a week for four consecutive weeks prior to this date, the same having been published on April 16, 1943, April 23, 1943, April 30, 1943 and May 7, 1943.

MAR YH. RAIFORD,
Publisher.

Sworn to and subscribed before me by Mary H. Raiford this the 10th day of May, 1943.

EUGENIA B. GUSDORF,
(Seal) Notary Public, Dallas County, Alabama.

Also:

By Mr. McCurdy:

H. 327. To provide for the compensation of attorneys at law appointed to defend indigent persons charged with capital offenses in the Circuit Court of Escambia County, Alabama and that payment of such compensation shall be made by said county.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF PROPOSED LEGISLATION

Notice is hereby given of the intention to apply to the next session of the Legislature of Alabama for the enactment of a local law for Escambia County, Alabama substantially as set forth in the following bill:

A bill to be entitled an act to provide for the compensation of attorneys at law appointed to defend indigent persons charged with capital offenses in the Circuit Court of Escambia County, Alabama and that payment of such compensation shall be made by said county.

Be it enacted by the Legislature of Alabama:

Section 1. Whenever a defendant is indicted in the Circuit Court of Escambia County, Alabama for a capital offense and is unable to employ counsel and the court shall appoint counsel for him as required by the general laws of this state, such counsel shall be compensated for his services and expenses in representing the defendant in an amount not less than fifty dollars ($50.00) and not more than one hundred fifty dollars ($150.00), to be fixed and certified by the trial judge as hereinafter provided, payment for the same to be made from the general fund of the county upon the completion of the trial of the defendant in the Circuit Court. If more than one person shall be appointed counsel, the compensation prescribed hereby shall be divided between said persons or may be paid to them jointly.

Section 2. Upon the completion of a trial in said Circuit Court of an indigent defendant for whom the court has appointed counsel as required by law, the trial judge shall forthwith make and file with the court of County Commissioners of said county his certificate showing that said appointment was made, that counsel appointed have discharged their duties under said appointment, and fixing the amount of a reasonable fee to be paid to said counsel within the limits herein fixed, upon receipt of which said certificate the court of County Commissioners shall allow and pay said compensation as certified by the trial judge, payment to be made from the general fund of the county.

Section 3. No additional compensation or allowances shall be made to counsel appointed in capital cases by reason of mistrials or appeals from convictions of defendants in said Circuit Court.

44-4tp. ESCAMBIA COUNTY BAR ASSOCIATION.

STATE OF ALABAMA,
ESCAMBIA COUNTY.

I, W. E. Brooks, owner and publisher of The Brewton Standard, hereby certify that the attached notice is a true and correct copy of notice published in said Brewton Standard once a week for four consecutive weeks, namely, in

the issues of April 15th, 1943; April 22nd, 1943; April 29th, 1943; May 6th, 1943.

I further certify that the said Brewton Standard is a newspaper printed in the English language in Escambia County, Alabama; that said newspaper has a general circulation in the county in which it is published, and has been mailed under the second class mailing privilege of the United States Post Office Department from the Post Office at Brewton, Alabama, where it is published, for more than 52 consecutive weeks.

W. E. BROOKS.

Subscribed and sworn to before me this 8th day of May, 1943.

T. C. HEARD,

(Seal) Notary Public, Escambia County, Ala.

Also:

By Mr. Jones:

H. 326. To authorize the Circuit Clerk of Covington County, Alabama, to employ and to prescribe the duties of a Secretarial assistant; to provide a salary for such assistant; and to provide for the expiration of this Act.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL BILL

A local bill will be introduced at the next regular session of the Legislature of Alabama, to authorize the Circuit Clerk of Covington County, Alabama, to employ and to prescribe the duties of a secretarial assistant at a salary not to exceed $75.00 monthly, to be paid to the assistant out of the general funds of Covington County, and to provide that the Act shall expire nine months after the definite cessation of the present hostilities in which the United States is now engaged.

THE STATE OF ALABAMA,
MONTGOMERY COUNTY.

Before me the undersigned authority, in and for said county and state, personally appeared Joe Jones, who being by me first duly sworn, deposes and says that he is editor and publisher of the Covington News, a newspaper of general circulation published in Andalusia, Covington county, Alabama; that the attached notice, with respect to local law authorizing the Clerk of the Circuit Court of said Covington county, Ala, to appoint a secretarial assistant, was published in four successive issues of said newspaper, The Covington News, on dates as follows: April 15, 22, 29, and May 6, in the year 1943.

JOE JONES.

Subscribed and sworn to before me on this the 12 day of May, 1943.

Notice and proof H. 327:

AGNES BAGGETT, Notary Public.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committee as follows:

House bills 325, 324, 314, 327 and 326, to the Committee on Local Legislation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills and returns same herewith to the Senate:

S. 128. To allow the Sheriff of Lauderdale County, Alabama, an additional deputy sheriff to that provided by law; to fix the salary of said deputy and to make the same payable out of the General Funds of Lauderdale County in monthly installments.

S. 91. To require additional duties of the Clerk of the Circuit Court of Mobile County, Alabama, by requiring said Clerk to keep a separate docket in his office available to public inspection at any and all times the said Clerk's office is open for business, in which said Clerk shall enter any and all orders made by said Court suspending the execution of sentences except in those cases in which the Court has ordered the case placed on the probation docket; to prescribe the information that shall be shown in said docket in regard to any defendant whose sentence has been suspended, pending good behavior, and further to provide for additional compensation for such additional duties of said Clerk.

R. T. Goodwyn, Jr.,
Clerk.

RESOLUTIONS

Mr. Madison offered the following Senate joint resolution, to-wit:

S. J. R. 19. A JOINT RESOLUTION PROVIDING FOR A DECLARATION OF THE FEDERATION OF THE WORLD.

WHEREAS, it is necessary at the present juncture of human affairs to enlarge the basis of organized society by establishing a government for the community of nations, in order to preserve civilization and enable mankind to live in peace and be free, the following principles and objectives are hereby enunciated in THE DECLARATION OF THE FEDERATION OF THE WORLD.

Man, the source of all political authority, is a manifold political being. He is a citizen of several communities; the city, the state, the nation and the world. To each of these communities he owes inalienable obligations and from each he receives enduring benefits.

Communities may exist for a time without being incorporated but, under the stress of adversity, they disintegrate unless legally organized. Slowly but purposefully through the diverse local interests and creating an international community that now embraces every region and every person on the globe. This community has no government, and communities without governments perish. Either this community must succumb to anarchy or submit to the restraints of law and order.

The ceaseless changes wrought in human society by science, industry and economics, as well as by the spiritual, social and intellectual forces which impregnate all cultures, make political and geographical isolation of nations hereafter impossible. The organic life of the human race is at last indissolubly unified and can never be severed, but it must be politically ordained and made subject to law. Only a government capable of discharging all the functions of sovereignty in the executive, legislative and judicial spheres can accomplish such a task. It is better for the world to be ruled by an international sovereignty of reason, social justice and peace than by diverse national sovereignties organically incapable of preventing their own dissolution by conquest.

Civilization now requires laws, in the place of treaties, as instruments to regulate commerce between peoples. The intricate conditions of modern life have rendered treaties ineffectual and obsolete, and made laws essential and inevitable. The age of treaties is dead; the age of laws is here.

History has revealed but one principle by which free peoples, inhabiting extensive territories, can unite under one government without impairing their local autonomy. That principle is federation, whose virtue preserves the whole without destroying its parts and strengthens its parts without jeopardizing the whole. Federation vitalizes all nations by endowing them with security and freedom to develop their respective cultures without menace of foreign domination. It suppresses the crime of war by reducing to the ultimate minimum the possibility of its occurrence.

There is no alternative to the federaton of all nations except endless war. No substitute for The Federation of the World can organize the international community on the basis of freedom and permanent peace. No nation should be excluded from membership in the Federation of the World that is willing to suppress its military, naval and air forces, retaining only a constabulary sufficient

to police its territory and to maintain order within its jurisdiction, provided that the eligible voters of that nation are permitted the free expression of their opinions at the polls.

The present conflict will determine the survival of free institutions throughout the world, and it is morally incumbent upon this generation, as one of the declared objectives of the current war, to federate the nations, in order to make secure, and hereafter unchallenged, freedom for all peoples everywhere, and in order to impart to those who are called to give their lives and fortunes for the triumph of democracy the positive assurance of the incorruptible utility of their sacrifice.

There are supreme moments in history when nations are summoned, as trustees of civilization, to defend the heritage of the ages and to create institutions essential for human progress. In the Providence of God, such a crisis in this hour, compelling in duty and unprecedented in responsibility—a fateful moment when men meet destiny for the fulfillment of historic tasks.

Now, therefore, Be it resolved by the Senate the House of Representatives, concurring:

Section 1. That th Legislature of Alabama does hereby solemnly declare that all peoples of the earth should now be united in a commonwealth of nations to be known as The Federation of the World, and to that end it hereby endorses The Declaration of the Federation of the World as is specifically set forth in the preamble hereof, and makes said Declaration a part of this Resolution in the same manner as if same were recited herein, and requests the Senators and Members of the House of Representatives in Congress from the State of Alabama to support and vote for a Resolution in the Congress of the United States, approving the principle of World Federation and requesting the President of the United tSates to initiate the procedure necessary to formulate a Constitution for The Federation of the World, which shall be submitted to each nation for its ratification.

Section 2. That a copy of this Resolution be sent to each of the Senators and Members of the House of Representatives in Congress from the State of Alabama.

Which was read and referred to the Standing Committee on Rules.

And on motion of Mr. Madison, 250 copies of the resolution, S. J. R. 19, were ordered printed for the use of the Senate.

Mr. Pinson offered the following Senate resolution, to-wit:

S. R. 20. Be it resolved by the Senate that Senate Bills 163 and 164 be made special, paramount and continuing orders for the 18th Legislative day, Friday, May 21 ,1943.

Which was read and referred to the Standing Committee on Rules.

The Rules Committee offered the following Senate resolution, to-wit:

S. R. 21. Be it resolved that the following bills be made Special, Paramount and Continuing Orders of Business for the 18th Legislative day which is Friday, May 21st, 1943, on the call of the calendar for passage of bills.

H. B. 47.
H. B. 4.
H. B. 5.
H. B. 6.
H. B. 127.
S. B. 142.
S. B. 163.
S. B. 164.
S. B. 105.

Which was adopted.

ORDER TO PRINT

On motion of Mr. Simpson, 250 copies of the bills: H. 26 and H. 45, were ordered printed for the use of the Senate.

REPORT ON COMMITTEE OF ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 91. To require additional duties of the Clerk of the Circuit Court of Mobile County, Alabama, by requiring said Clerk to keep a separate docket in his office available to public inspection at any and all times the said Clerk's office is open for business, in which said Clerk shall enter any and all orders made by said Court suspending the execution of sentences except in those cases in which the Court has ordered the case placed on the Probation Docket; to prescribe the information that shall be shown in said docket in regard to any defendant whose sentence has been suspended, pending good behavior, and further to provide for additional compensation for such additional duties of said Clerk.

S. 128. To allow the Sheriff of Lauderdale County, Alabama, an additional deputy sheriff to that provided by law; to fix the salary of said deputy and to make the same payable out of the General Funds of Lauderdale County in monthly installments.

Sam High,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. White:

H.J.R. 14. WHEREAS, the absolute indispensability of wartime motor vehicle transportation to this Nation has been well stated by Rubber Director William M. Jeffers in these words:

"You can't take America off wheels. You can lose the war doing that, because of the disruption it would cause in our economy. You have to have civilian trucks running to move goods and farm products, for instance, and you have to have buses and a certain number of passenger cars to take people to and from work;" and

WHEREAS, Director of Defense Transportation Joseph B. Eastman has made clear the necessity of essential passenger car transportation to move war workers between their homes and jobs and to prevent a breakdown of public transportation; and

WHEREAS, trucks are necessary as units of assembly lines operating between war production plants and in moving war materials and virtually 100% of farm products to consuming centers or rail points; and

WHEREAS, motor buses transport millions of war workers, selectees and troops and carry a great share of the essential civilian passenger load both within and between cities; and

WHEREAS, disastrous effects on streets and highways of one of the most serious winters on record coupled with manpower and

materials shortages is precipitating a road and street maintenance problem of critical proportions;

NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the State of Alabama, the Alabama Senate concurring, that the Congress of the United States be and is hereby memorialized to do everything within its power to provide synthetic rubber, manpower, replacement parts and materials absolutely necessary for maintenance of motor vehicles and roadways to provide transportation indispensable to the war effort and the essential civilian economy.

By Mr. White:

And sends same herewith to the Senate for its consideration.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The resolution, H. J. R. 14, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolutions:

By Mr. Coburn:

H. J. R. 12. BE IT RESOLVED by the House of Representatives, the Senate concurring, that Senate Bill #15, which has passed both houses of the Legislature of Alabama, be and the same is hereby designated as the Walton-Hooten Bill.

By Mr. Coburn:

H. J. R. 13. BE IT RESOLVED by the House of Representatives, the Senate concurring, that Senate Bill 17, which has passed both Houses of the Legislature of Alabama, be and the same is hereby designated as the Hooton-Walton Bill.

And sends same herewith to the Senate for its consideration.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The resolutions, H. J. R. 12 and H. J. R. 13, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate joint resolution:

By Mr. Walton:

S. J. R. 17. BE IT RESOLVED BY the Senate of Alabama, the House concurring, that Senate Bill 26, which has passed both Houses of the Legislature of Alabama, and which relates to an increase in pensions paid to Confederate Soldiers and their widows, be and the same is hereby designated as the Pinson-Gullatt Bill.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,
Clerk.

BILLS ON THIRD READING

The bill:

S. 59. To propose an amendment to the Constitution of Alabama making public education an essential function of State Government, and to order an election for the qualified voters of the State of Alabama upon such proposed amendment to be held, at the next general election held after the final adjournment of the present session of the Legislature at which this amendment is proposed and to provide for the manner of holding said election.

And pending amendment, was taken up.

Mr. Henderson offered the following substitute for the amendment offered by Mr. Simpson to the bill on the 10th Day, to-wit:

Amend Senate Bill No. 59, the printed bill by striking out lines 9, 10 and 11 on pages 1 and 2 and inserting in lieu thereof the following:

"Appropriations for education from any fund shall not be subordinate to any other appropriation from that fund except appropriations for payment and interest on the State's bonded indebtedness."

Which was adopted.

And the amendment offered by Mr. Simpson, as amended by the substitute, was then adopted.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:	Bradford	Espy	High
Benson	Brown	Garrett	Hornsby
Bentley	Cater	Goodwin	Jones
Black	Cobb	Henderson	Kelly

Kilborn	Pinson	Sherrer	Smith	
Madison	St. John (Cullman)	Simpson	Taylor	
McCary	Shaver			—25
Nays:				—0

And on motion of Mr. St. John of Cullman, further consideration of the bill, as amended, was postponed until the 22 Day.

The bill:

H. 30. To promote the agricultural interests of the State of Alabama by providing for the inspection, grading, and standardization, classification, refrigeration, dehydration (for both food and feed), canning, packing, processing, cold storage, and marketing of agricultural products, including all staple food crops, fruits, vegetables, poultry, dairy products, fish, and kindred products; and for such purposes to create a public board; to be known as the Alabama State Markets Board, to provide for the acquisition, equipment, operation, and maintenance of a public market or markets; to define the duties, powers, and authority of said board; and to appropriate public funds for such purposes.

Was taken up.

Mr. Garrett offered the following amendment to the bill, to-wit:

Amend House Bill 30 by striking the word "Shall" in Section 6, line 9 and inserting in lieu thereof, the word "May".

Which was adopted.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	Hill	Newton	
Benson	Cobb	Hornsby	Pinson	
Bentley	Espy	Jones	St. John (Cullman)	
Bradford	Garrett	Kilborn	Simpson	
Brown	Goodwin	Madison	Taylor	
Carlton	High	McCary	Walton	
				—23
Nays:				—0

Mr. Garrett also offered the following amendment to the bill, to-wit:

Amend House Bill 30 by rewriting Section Seven (7) to read as follows:

Section 7. Upon the passage and approval of this Act the surpluses of monies in the Agriculture Fund derived from the operation under the Alabama State Markets Board over and above those otherwise heretofore approopriated or obligated shall be impounded and held inviolate until the appropriations mentioned in

Section 6 above, has been released and paid as hereinabove provided.

Which was adopted.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:	Dodson	Hornsby	St. John (Cullman)
Benson	Espy	Jones	Shaver
Bentley	Garrett	Madison	Simpson
Bradford	Goodwin	McCary	Smith
Brown	Henderson	Newton	Taylor
Cater	High	Pinson	Walton
Cobb			—24

Nays: —0

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:	Espy	Hornsby	Pinson
Benson	Garrett	Jones	Shaver
Bentley	Goodwin	Kelly	Simpson
Brown	Henderson	Madison	Smith
Cater	High	McCary	Taylor
Cobb	Hill	Newton	Walton
Dodson			—24

Nays: —0

The bill:

S. 155. To provide for the appointment by the Governor of a compentent number of notaries public for the state at large; to fix their term of office and to define their jurisdiction, power and authority and to provide for making of bond and the adoption of a seal.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	High	St. John (Lawrence)
Benson	Cobb	Hornsby	Sherrer
Bentley	Dodson	Jones	Simpson
Black	Espy	McCary	Smith
Bradford	Garrett	Pinson	Taylor
Brown	Henderson	St. John (Cullman)	Walton
			—23

Nays: —0

The bill:

H. 82. To amend Equity Rule 56 as it appears in the 1940 Code of Alabama.

Was read a third time at length and passed.

Yeas, 27; Nays, 1.

Yeas:

Messrs.:	Cobb	Jones	St. John (Lawrence)
Benson	Dodson	Kelly	Shaver
Bentley	Espy	Madison	Simpson
Black	Garrett	McCary	Smith
Bradford	Goodwin	Newton	Taylor
Brown	High	Pinson	Toomer
Cater	Hornsby	St. John (Cullman)	Walton

—27

Nay: Mr. Kilborn —1

The bill:

S. 101. To amend Title 28, Section 53, Code of 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:	Cobb	Jones	St. John (Lawrence)
Benson	Dodson	Kilborn	Shaver
Bentley	Espy	Madison	Sherrer
Bradford	Garrett	McCary	Simpson
Brown	Goodwin	Newton	Smith
Carlton	High	Pinson	Taylor
Cater	Hornsby	St. John (Cullman)	Walton

—27

Nays: —0

The bill:

S. 103. To empower guardians and trustees to invest the funds of their wards or of the beneficiaries of trusts in Life Endowment, or Annuity Contracts, and to define the limitations of such power and the rights of the guardian or trustee with respect to the control of such investment.

Was taken up.

The Standing Committee on Insurance offered the following amendment to the bill, to-wit:

Amend Senate Bill No. 103 by adding Section 3 to read as follows:

Section 3. This act shall become effective upon its passage and approval by the Governor or its otherwise becoming a law.

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:	Cobb	Kilborn	Shaver	
Benson	Dodson	Madison	Sherrer	
Bentley	Espy	McCary	Simpson	
Bradford	Henderson	Newton	Smith	
Brown	High	Pinson	Taylor	
Carlton	Hornsby	St. John (Cullman)	Walton	
Cater	Jones	St. John (Lawrence)		—26
Nays:				—0

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:	Espy		St. John (Lawrence)	
Benson	Goodwin	Kilborn	Shaver	
Bentley	Henderson	Madison	Sherrer	
Bradford	High	McCary	Simpson	
Brown	Hill	Newton	Smith	
Carlton	Hornsby	Pinson	Taylor	
Cater	Jones	St. John (Cullman)	Walton	
Dodson				—28
Nays:				—0

REPORT FROM RULES COMMITTEE

Mr. Carlton, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 18. Increasing Committee on Finance and Taxation by one member.

And the resolution, S. R. 18, was then adopted by the Senate.

COMMITTEE APPOINTMENT

In accordance with the provisions of S. R. 18, the Lieutenant-Governor and President of the Senate, appointed Mr. Kelly as member of Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Deason, Mr. Dobbs of Elmore, and Mr. Black:

H. 319. To amend Section 212, Title 26, 1940 Code of Alabama.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee as follows:

H. B. 319, to the Committee on Military.

BILLS ON THIRD READING RESUMED

The bill:

S. 160. To authorize the governing body or road and bridge commissioner of each county in the State of Alabama, to refund, by the issuance of refunding warrants, the principal of and interest on any warrants of such county outstanding on May 1, 1943, which were theretofore issued for the purpose of constructing or maintaining or aiding in the construction or maintenance of roads and bridges in such county or for the purchase of supplies and equipment for the construction or maintenance of such roads and bridges; to specify properties of such refunding warrants; to authorize the pledge and use for the payment of the principal of and interest on such refunding warrants of so much as may be necessary of the proceeds hereafter receivable by such county from any tax now or hereafter levied by said state upon the sale, distribution, storage, and withdrawal from storage of gasoline and other liquid motor fuels and distributed to such county; to protect the holders of any such refunding warrants; and to repeal all laws or

parts of laws in conflict with this act to the extent of any such conflict.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:	Cobb	Kelly	St. John (Lawrence)	
Benson	Espy	Kilborn	Shaver	
Bentley	Garrett	Madison	Sherrer	
Black	Goodwin	McCary	Simpson	
Bradford	Henderson	Newton	Smith	
Brown	High	Pinson	Taylor	
Carlton	Hornsby	St. John (Cullman)	Walton	
Cater	Jones			—29
Nays:				—0

The bill:

S. 208. To create the office of County Solicitor of Cherokee County; to provide for his election, and the method of appointment in the event of a vacancy; to fix his salary and define his powers and duties; and to repeal all general and local laws in conflict herewith so far as they relate to Cherokee County.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	High	McCary	
Benson	Cobb	Hill	Newton	
Bentley	Dodson	Jones	Shaver	
Black	Espy	Kelly	Sherrer	
Brown	Goodwin	Kilborn	Smith	
Carlton	Henderson	Madison	Toomer	
				—23
Nays:				—0

The bill:

S. 217. To establish a Law and Equity Court for Cherokee County, Alabama; to define its jurisdiction and powers; to provide for its officers, their powers and duties and compensations, to provide that said court shall be open at all times for the trial of cases and transaction of business; to provide the rules and procedure of said court; to provide a fine and forfeiture fund for said court; to provide for the transfer of certain causes now or hereafter pending in the Circuit Court and the Juvenile of Cherokee County, Alabama, to the Cherokee Law and Equity Court; and

to abolish the County Court of Cherokee County, Alabama; and to give the said court Juvenile Jurisdiction.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	High	McCary
Benson	Cobb	Hill	Newton
Bentley	Dodson	Jones	Shaver
Black	Espy	Kelly	Sherrer
Brown	Goodwin	Kilborn	Smith
Carlton	Henderson	Madison	Toomer

—23

Nays: —0

The bill:

S. 210. To fix the salary of the Judge of Probate of Cherokee County, Alabama, The Tax Collector of Cherokee County, the Tax Assessor of Cherokee County, the Clerk of the Court of Cherokee County, the Register in Chancery of Cherokee County, the Deputy Solicitor of Cherokee County, the Sheriff of Cherokee County; to provide for his deputies and to provide for clerical assistance and other expenses of said officers of Probate Judge and Sheriff; to require each of said officers to collect all the fees, compensation and allowances heretofore collected by said officers and which may hereafter be collected by said officers and cover same into the County Treasury on or before the fifth day of each month, and to provide for the payment of the salary of clerical assistance and other office expense by the Treasury of the County.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	High	McCary
Benson	Cobb	Hill	Newton
Bentley	Dodson	Jones	Shaver
Black	Espy	Kelly	Sherrer
Brown	Goodwin	Kilborn	Smith
Carlton	Henderson	Madison	Toomer

—23

Nays: —0

The bill:

S. 85. To amend Section 15 of Title 24 of the Code of Alabama of 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:	Dodson	Kelly	St. John (Lawrence)	
Bentley	Espy	Kilborn	Shaver	
Black	Garrett	Madison	Sherrer	
Bradford	Goodwin	McCary	Simpson	
Brown	High	Newton	Toomer	
Carlton	Hornsby	Pinson	Walton	
Cobb	Jones	St. John (Cullman)		—26
Nays:				—0

The bill:

S. 86. To Amend Section 17 of Title 24 of the Code of Alabama of 1940.

Was taken up.

The Standing Committee on Judiciary offered the following amendment to the bill, to-wit:

Amend S. B. 86 by changing the semicolon in line six to a comma, and by adding the following: "or for the baggage of any person for whom the hote or innkeeper accepts responsibility; provided, however, that unless said baggage is called for within thirty days from the time of its acceptance by such hotel or innkeeper, said hotel or innkeeper shall not be liable for the loss thereof,

and further amend S. B. 86 by striking out the words "One Hundred Fifty Dollars", where the same appear together therein, and substitute in lieu thereof the words "Two Hundred Fifty Dollars".

Which was adopted.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	Hornsby	Pinson	
Benson	Cobb	Kelly	St. John (Cullman)	
Bentley	Dodson	Kilborn	Sherrer	
Black	Espy	Madison	Simpson	
Bradford	Garrett	McCary	Smith	
Brown	High	Newton	Toomer	
				—23
Nays:				—0

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 20; Nays, 2.

Yeas:

Messrs.:	Espy	Kilborn	St. John (Lawrence)
Benson	Goodwin	Madison	Shaver
Bentley	High	McCary	Simpson
Brown	Hornsby	Pinson	Smith
Cater	Kelly	St. John (Cullman)	Toomer
Dodson			—20

Nays: Messrs. Bradford, Newton —2

The bill:

S. 212. To Repeal Section 203 of Title 2 of the Code of Alabama of 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:	Dodson	Kilborn	Shaver
Benson	Espy	Madison	Sherrer
Bentley	Garrett	McCary	Simpson
Bradford	Goodwin	Newton	Smith
Brown	High	Pinson	Taylor
Carlton	Hornsby	St. John (Cullman)	Toomer
Cater	Kelly	St. John (Lawrence)	—26
Nays:			—0

The bill:

S. 173. To protect persons acting in good faith under or in reliance upon written power of attorney executed and acknowledge by person in the Armed Forces or Military Service of the United States; or by person who departs from the United States by permission or direction of any Department or Official of the United States in connection with work relating to the prosecution of the War.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:	Cater	Goodwin	McCary
Benson	Cobb	Hill	Newton
Bentley	Dodson	Kelly	Pinson
Bradford	Espy	Kilborn	St. John (Cullman)
Brown	Garrett	Madison	St. John (Lawrence)

Shaver	Simpson	Taylor	Toomer
Sherrer	Smith		—25

Nays: —0

The bill:

S. 177. To regulate and authorize time and method for presenment, acceptance, dishonor, notice of dishonor and protest of negotiable instruments and checks; and to permit banks in possession or custody of such instruments or checks to handle according to current bank custom; and to permit banks at or by which they are payable to retain same until close of business day next following receipt without constituting acceptance; and to prescribe a method of honor of such instruments and checks; and to permit dishonor, protest and return of such instruments and checks on business day next after their receipt.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:	Cobb	Kelly	St. John (Lawrence)
Benson	Dodson	Kilborn	Shaver
Bentley	Espy	Madison	Sherrer
Bradford	Garrett	McCary	Simpson
Brown	Goodwin	Newton	Smith
Carlton	Hill	Pinson	Taylor
Cater	Hornsby	St. John (Cullman)	Toomer

—27

Nays: —0

The bill:

S. 175. To regulate bank deposits made by any person in trust for another, and to permit payment thereof to person for whom deposit was made, whether adult or minor, upon death of trustee, when no other or further notice of existence and terms of legal and valid trust shall have been given in writing to and received by bank.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:	Brown	Dodson	High
Benson	Carlton	Espy	Hill
Bentley	Cater	Garrett	Hornsby

Kelly	McCary	St. John (Cullman)	Simpson	
Kilborn	Newton	St. John (Lawrence)	Toomer	
Madison	Pinson	Sherrer		—22

Nays: —0

The bill:

S. 176. Concerning statements of account between bank or trust company and depositor, and fixing a limit of time for questioning the correctness thereof.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:	Dodson	Kelly	St. John (Cullman)	
Benson	Espy	Kilborn	St. John (Lawrence)	
Bentley	Garrett	Madison	Shaver	
Brown	Goodwin	McCary	Sherrer	
Carlton	High	Newton	Simpson	
Cater	Hill	Pinson	Toomer	
Cobb	Hornsby			—25

Nays: —0

NOTICE OF MOTION TO AMEND RULES

Mr. St. John of Cullman offered the following notice in writing:

Notice is hereby given that on the next legislative day I will move that this body do amend rule #42 so as to read as follows:

"42. The time of meeting of the Senate each day shall be 9 o'clock A. M. except on Monday on which it shall convene at 10 o'clock; and in all cases, upon the adjournment of the Senate, the Secretary shall enter on the Journal the hour of adjournment, and the name of the member on whose motion the adjournment was had."

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 114. For the relief of Harry Simon, of Montgomery, Alabama.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Sessions:

H. 50. To authorize investments by life insurance companies in notes secured by mortgages or trust deeds on unencumbered real estate.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee as follows:

H. 50, to the Committee on Insurance.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills:

S. 93. To authorize and empower the Commissioners Court of Coosa County, Alabama, to maintain, work and keep up all county roads which lead into and through the corporate limits of all municipal corporations in Coosa County, Alabama.

Also:

S. 172. To repeal an act entitled, "An act to abolish the office of County Solicitor of Coosa Ccunty, Alabama, and to create in lieu thereof the office of County Attorney; to define the qualifications and duties of County Attorney of Coosa County, Alabama; to provide for the salary of the County Attorney and the manner of paying the same; to prescribe his term of office and for his removal from office and for the filling of the vacancy in said office," Approved October 27th, 1932.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,
Clerk.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your standing Committee on Revision o the Journal begs leave to report that said Committee, in session, has carefully examined the Journal of the Senate for the sixteenth day and finds same correct and containing all original entries and references thereto required by the Constitution.

Jim Smith, Jr.,
Chairman.

COMMITTEE REPORT

On motion of Mr. Smith, the foregoing report was concurred in and the Journal of the Senate for the sixteenth day approved by the Senate.

ADJOURNMENT

At 12:55 P. M., on motion of Mr. Madison, the Senate adjourned until tomorrow, May 21, 1943, at 10 A. M.

EIGHTEENTH DAY

Friday, May 21, 1943.

The Senate met pursuant to adjournment, Lieutenant Governor Ellis presiding.

PRAYER

The session was opened with Prayer by Dr. Donald MacGuire, of the First Presbyterian Church of Montgomery.

ROLL CALL

Present:

Messrs.:			
Benson	Dodson	Kelly	Shaver
Bentley	Espy	Kilborn	Sherrer
Black	Garrett	Lawson	Simpson
Bradford	Goodwin	Madison	Smith
Carlton	Henderson	McCary	Taylor
Cater	High	Newton	Toomer
Cobb	Hill	Pinson	Walton
	Hornsby	St. John (Cullman)	

JOURNAL

On motion of Mr. Carlton, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 30. To promote the agricultural interests of the State of Alabama by providing for the inspection, grading, standardization, classification, refrigeration, dehydration (for both food and feed), canning, packing, processing, cold storage, and marketing of agricultural products, including all staple food crops, fruits, vegetables, poultry, dairy products, fish, and kindred products; and for such purposes to create a public board, to be known as the Alabama State Markets Board, to provide for the acquisition, equipment, operation, and maintenance of a public market or markets; to define the duties, powers, and authority of said board; and to appropriate public funds for such purposes.

Also:

H. 82. To amend Equity Rule 56 as it appears in the 1940 Code of Alabama.

R. T. Goodwyn, Jr.,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the bill:

By Messrs. Givhan and Green:

H. 30. To promote the agricultural interests of the State of Alabama by providing for the inspection, grading, standardization, classification, refrigeration, dehydration (for both food and feed), canning, packing, processing, cold storage, and marketing of agricultural products, including all staple food crops, fruits, vegetables, poultry, dairy products, fish, and kindred products, and for such purposes to create a public board, to be known as the Alabama State Markets Board, to provide for the acquisition, equipment, operation, and maintenance of a public market or markets; to define the duties, powers, and authority of said board; and to appropriate public funds for such purposes.

R. T. Goodwyn, Jr.,
Clerk.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave leave to report that said committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 93. To authorize and empower the Commissioners Court of Coosa County, Alabama, to maintain, work and keep up all county roads which lead into and through the corporate limits of all municipal corporations in Coosa County, Alabama.

S. 114. For the relief of Harry Simon, of Montgomery, Alabama.

S. 172. To repeal an act entitled, "An act to abolish the office of County Solicitor of Coosa County, Alabama, and to create in lieu thereof the office of County Attorney; to define the qualifications and duties of County Attorney of Coosa County, Alabama; to provide for his election or appointment; to provide for the salary of the County Attorney and the manner of paying the same; to prescribe his term office and for his removal from office and for the filling of the vacancy in said office," Approved October 27th, 1932.

Sam High,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Newton:

S. 237. To amend Section 34 of Article 1 of the 1901 Constitution of Alabama.

Committee on Constitution and Constitutional Revision and Amendments.

The above bill was read one time at length as required by the Constitution.

By Mr. Bentley:

S. 238. To pay to the Town of Lineville, Alabama, the sum of Fifteen Thousand Dollars for a Lot and School Building, conveyed by said Town to the State for the North-east Alabama Agricultural and Industrial Institute located at Linevelle, Alabama.

Committee on Finance and Gaxation.

By Mr. Lawson:

S. 239. To authorize the Court of County Commissioners of Hale County, Alabama, to make appropriations, from time to

time, from the General Fund of the county to the Hale County War Savings Staff, during the present war, to help pay the expenses and promote the work of said Hale County War Savings Staff.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that a bill will be introduced in the present Legislature of Alabama at its next meeting or session, providing that the Court of County Commissioners of Hale County, Alabama, shall have authority to make appropriations from time to time from the General Fund of the county to the Hale County War Savings Staff, during the present war, to help pay the expenses and promote the work of said Hale County War Savings Staff.

STATE OF ALABAMA,
HALE COUNTY.

I, N. H. Cobbs, Editor and Published of The Greensboro Watchman, a newspaper of general circulation published weekly in Greensboro, Hale County, Alabama, hereby certify that the attached and foregoing notice was published in said newspaper for four consecutive weeks appearing in the following editions of said newspaper: April 8th., 15th., 22nd., and 29th., 1943.

N. H. COBBS,
Affiant.

Sworn to and subscribed before me this 17th day of May, 1943.

G. E. SLEDGE,
(Seal) Notary Public, Hale County, Alabama.

By Mr. Walton:

S. 240. To Provide Armory Drill Pay for Members of the Temporary Military Force of the State of Alabama; to Prescribe the Condition under and the Manner in which it shall be paid.

Committee on Military.

By Mr. Kelly:

S. 241. To divide the State into judicial circuits and provide for the judges thereof.

Committee on Judiciary.

REPORTS OF COMMITTEES

Mr. Cobb, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Shaver (with notice and proof):

S. 232. To amend Section 15 of an Act entitled an Act "To establish in Precinct One in Madison County, Alabama, an Inferior Court in lieu of all Justices of the Peace and Notaries Public with the powers of a Justice of the Peace in the said Precinct, to be known as the Inferior Court of Huntsville, to define the jurisdiction and powers of said Court and the Judge thereof." Approved April 4, 1941, and as further amended by an Act of the Legislature approved January 8, 1937.

By Messrs. Sullivan, Stone and Johnston (with notice and proof):

H. 91. To make it the duty of the Register of the Circuit Court of Mobile County, Alabama, in addition to his other duties, to receive when tendered, all alimony or maintenance that may be awarded by the Circuit Court of Mobile County, Alabama, to disburse, and to keep a separate record of such receipts and disbursements, and to provide extra compensation for such new and additional duty or duties.

By Mr. Robertson (Cullman) (with notice and proof):

H. 324. To require the Board of Revenue or like governing body of Cullman County to appropriate annually out of the general fund of the county a sum not less than Six thousand dollars per annum, such sum to be a preferred claim, and payable to the Road and Bridge Commissioner of Cullman County, Alabama, for the construction and maintenance of public roads, bridges, and ferries of Cullman County, Alabama.

By Mr. Robertson (Cullman) (with notice and proof):

H. 325. To authorize the Road and Bridge Commissioner of Cullman County, Alabama, to levy and collect a privilege tax on all persons, corporations, co-partnerships, companies, agencies, associations, and refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naptha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil," "fuel oil," or "crude oil" commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; to authorize said Road and Bridge Commissioner of said county, to provide the necessary rules and regulations and machinery for the collection of said privilege tax; to make provisions for the distribution of the funds derived from said privilege tax; to prohibit any incorporated city or town in said County from levying or collecting a municipal privilege tax

on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage, such motor fuels on a quantity basis; to repeal the municipal privilege, excise and or license taxes on gasoline, Woco-Pep, or any other motor fuel, used by self propelled vehicles which may now be collected or levied by any incorporated city or town in said county; to provide for the use of the money derived from said privilege tax and to provide penalties for the violation of such rules and regulations; to repeal all laws and parts of laws, general or special, in conflict with this act and to provide when this Act shall become effective.

By Mr. Jones (with notice and proof):

H. 326. To authorize the Circuit Clerk of Covington County, Alabama, to employ and to prescribe the duties of a Secretarial assistant; to provide a salary for such assistant; and to provide for the expiration of this Act.

By Mr. McCurdy (with notice and proof):

H. 327. To provide for the compensation of attorneys at law appointed to defend indigent persons charged with capital offenses in the Circuit Court of Escambia County, Alabama and that payment of such compensation shall be made by said county.

By Mr. Givhan (with notice and proof):

H. 314. To provide for the closing of the Offices of Judge of Probate, Tax Assessor, Clerk of Circuit Court, Tax Collector, Register of Circuit Court, Superintendent of Education and Board of Revenue, or other like Governing Body of Dallas County, Ala.

Mr. Cater, Chairman of the Standing Committee on Immigration, Industrial Resources and Labor, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Newton:

S. 151. To amend Section 279 of Title 26, Code of Alabama, 1940.

By Mr. Newton:

S. 181. To amend Section 1 of an act entitled "An Act to further regulate the employees in the service of the State of Alabama; to provide for the reemployment or restoration of status

of such employees who have enlisted or served in any of the armed forces of the United States," approved July 10, 1940, General Acts 1939, page 1027.

Mr. Simpson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Hodo:

H. 45. To make annual appropriations for the support, maintenance, and development of public education in Alabama for each of the fiscal years ending September 30, 1944, and September 30, 1945, including all schools, agencies, services, and institutions under the general or direct control or subject to the rules and regulations of the State Board of Education, the Board of Trustees of Alabama College, the Board of Trustees of the Alabama Polytechnic Institute, the Board of Trustees of the University of Alabama.

By Mr. Norman (Bullock):

H. 26. To make appropriations for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the State, for the interest of the public debt, and for the public schools.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Fite:

H. 74. To propose an amendment to Section 251 of the Constitution of Alabama, and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held at the next general election in November 1944, at which the amendment is proposed.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time at length as required

by the Constitution and referred to appropriate standing committee as follows:

H. 74, to the Committee on Constitution and Constitutional Revision and Amendments.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Cole and Mr. Gullatt:

H. 378. To authorize and empower the Judge of Probate of Russell County, Alabama, to appoint a chief Clerk, and to fix the salary and to provide the method of payment of salary of said Chief Clerk.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

State of Alabama, Russell County:

Notice is hereby given that the following Local Bill will be introduced in the next regular Session of the Legislature of Alabama:

A BILL
TO BE ENTITLED,
AN ACT.

To authorize and empower the Judge of Probate of Russell County Alabama to appoint a Chief Clerk, and to fix the salary of the Chief Clerk, and to provide the method of payment of salary of said Chief Clerk.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. The Judge of Probate of Russell County is hereby authorized and empowered to appoint a Chief Clerk, to hold office at the pleasure of the Judge of Probate of Russell County Alabama.

SECTION 2. That said Chief Clerk, so appointed, shall be paid a salary not less than One Hundred Dollars per month, and not more than One Hundred and Fifty dollars per month, payable monthly. Said salary to be fixed by the County Commission of Russell County Alabama.

SECTION 3. That the County Commission of Russell County Alabama is hereby authorized and required to draw warrants in favor of said Chief Clerk, payable out of the General Funds of said County, upon proper claim being made.

SECTION 4. That said Chief Clerk be required to make Bond payable and conditioned as required by law, in the sum of Twenty Five Hundred Dollars.

SECTION 5. Should any section, clause, or provision of this Act be declared unconstitutional, the same shall not affect the remaining sections, clauses or provisions of this Act.

SECTION 6. That this Act shall take effect immediately upon its passage and approval of the Governor.

R.C.17-4ts.

STATE OF ALABAMA,
RUSSELL COUNTY

Before me, a Notary Public, in and for said County, in said State, personally appeared Isabel A. Moses, who being known to me, after first being duly sworn, deposes and says:

That she is the Publisher of the Phenix-Girard Journal, a newspaper published in Phenix City, Russell County, Alabama, and having general circulation in said County, and that the attached notice of the intention to apply for the passage of a local law affecting said Russell County, was published in said Newspaper once a week for four consecutive weeks in its issues of April 23rd, April 30th, May 7th, May 14th, 1943; that said newspaper was printed in part and published in Russell County, Alabama, and is printed in the English language, and has a general circulation in said County of Russell, in which it is published, and that said newspaper has been mailed under the second class mailing privileges of the United States Post-Office in Phenix City, Alabama, where it is published, for fifty-two weeks prior to the first publication of said notice in said newspaper.

ISABEL A. MOSES.

Sworn to and subscribed before me this the 15th day of May, 1943.

ISAAC I. MOSES,
Notary Public, Russell County, Alabama.

(SEAL).

Also:

By Mr. Gullatt and Mr. Cole:

H. 379. An Act to provide for the appointment of a Deputy Circuit Clerk of the Circuit Court of Russell County, Alabama, to fix the salary of such Deputy, and to provide the method of payment of such salary; to provide or require such deputy Clerk to enter into a bond in the sum of $5,000.00 conditioned as required by law of all Clerks of Circuit Courts, and to provide the method of appointment of such Deputy Clerk.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
RUSSELL COUNTY

Notice is hereby given that a local bill will be introduced in the coming session of the Legislature of Alabama in its Regular Session to be held in 1943, to provide for a Deputy Clerk of the Circuit Court of Russell County, Alabama, to fix his duties and to provide a bond conditioned as required by

law for faithful performance of such duties by such Deputy, and to fix the salary of such Deputy Clerk.

AN ACT

An act to provide for the appointment of a Deputy Circuit Clerk of the Circuit Court of Russell County, Alabama, to fix the salary of such Deputy, and to provide the method of payment of such salary; to provide or require such deputy Clerk to enter into a bond in the sum of $5,000.00, conditioned as required by law of all Clerks of Circuit Courts, and to provide the method of appointment of such Deputy Clerk.

Be it Enacted by the Legislature of Alabama.

Section 1. The Clerk of the Circuit Court of Russell County, Alabama, is hereby authorized and empowered to appoint a Deputy Circuit Clerk, to hold office at the pleasure of the Clerk of Circuit Court of Russell County, Alabama.

Section 2. That such Deputy Circuit Clerk so appointed shall be paid a salary out of the General Fund of Russell County, at not less than $600.00 per year and not in excess of $1,200.00 per year, to be paid in twelve equal monthly installments, and said salary is to be fixed by the County Commission of Russell County.

Section 3. Such Deputy Circuit Clerk shall be required to enter into bond for the faithful performance of his duties in the sum of $5,000.00, conditioned as is required by law, and such Deputy Circuit Clerk shall perform all the duties required by law of such Circuit Clerk.

Section 4. Should any Section, Clause, or Provision of this act be declared unconstitutional, the same shall not affect the remaining sections, clauses, or provisions of this act.

Section 5. This act shall take effect immediately upon its passage and approval by the Governor.

STATE OF ALABAMA
RUSSELL COUNTY

Before me, a Notary Public, in and for said County, in said State, personally appeared Isabel A. Moses, who being known to me, after first having been duly sworn, deposes and says:

That she is the Publisher of the Phenix-Girard Journal, a newspaper published in Phenix City, Russell County, Alabama, and having general circulation in said County and that the attached notice of the intention to apply for the passage of a local law affecting said Russell County was published in said newspaper once a week for four consecutive weeks in the issues of April 23, April 30, May 7 and May 14, 1943; that said newspaper was printed in part and published in Russell County, Alabama, and is printed in the English language and has a general circulation in said County of Russell in which it is published and said newspaper had been mailed under the second class mailing privileges of the United States Post-Office in Phenix City, Alabama where it is published, for Fifty-Two weeks prior to the first publication of said notice in said newspaper.

ISABEL A. MOSES.

Sworn to and subscribed before me this the 15th day of May, 1943.

(Seal). ISAAC I. MOSES,
Notary Public, Russell County, Alabama.

Also:

By Mr. Gullatt and Mr. Cole:

H. 380. To fix the salary of the Deputy Solicitor of Russell County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
RUSSELL COUNTY

Notice is hereby given of the intention to apply to the Legislature of Alabama, in 1943, for the passage of the following Local Law, to-wit:

A Bill To Be Entitled, an Act.

To fix the salary of the Deputy Solicitor of Russell County, Alabama, and provide for the payment thereof in twelve monthly installments.

AN ACT

To fix the salary of the Deputy Solicitor of Russell County, Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1. That the salary of the Deputy Solicitor for Russell County, Alabama, be and the same is hereby fixed, at the sum of Fifteen Hundred ($1500.00) Dollars per year, payable in monthly installments of One Hundred twenty-five ($125.00) Dollars per month, payable out of the General Fund of Russell County, Alabama.

Section 2. That all laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 3. That this Act shall go into effect immediately upon its passage and approval by the Governor.

STATE OF ALABAMA
RUSSELL COUNTY

Before me, a Notary Public, in and for said County, in said State, personally appeared Isabel A. Moses, who being known to me, after, first having been duly sworn, deposes and says:

That she is the Publisher of the Phenix-Girard Journal, a newspaper published in Phenix City, Russell County, Alabama, and having general circulation in said County and that the attached notice of the intention to apply for the passage of a local law affecting said Russell County was published in said newspaper once a week for four consecutive weeks in its issues of April 23, April 30, May 7 and May 14, 1943; that said newspaper was printed in part and published in Russell County, Alabama, and is printed in the English language and has a general circulation in said County of Russell in which it is published and said newspaper had been mailed under the second class mailing privileges of the United States Post-Office in Phenix City, Ala-

bama, where it is published, for Fifty-two weeks prior to the first publication of said notice in said newspaper.

ISABEL A. MOSES.

Sworn to and subscribed before me this the 15th day of May, 1943.

ISAAC I. MOSES,
Notary Public, Russell County, Alabama.

Also:

By Mr. Gullatt and Mr. Cole:

H. 381. To Amend Section 15 of an Act entitled: "An Act to create a County Court for Russell County, Alabama; to provide for its jurisdiction, its officers, fix their powers, duties and compensation; to provide for a trial tax and its disposition." Approved February 1, 1937.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA,
RUSSELL COUNTY.

Notice is hereby given of the intention to introduce and pass a local bill for Russell County, Alabama, at the next extraordinary session of the Legislature of Alabama or at the next regular session thereof, said Act to be in substance as follows:

A BILL

To be entitled an Act to amend Section 15 of an Act entitled: "An Act to create a County Court for Russell County, Alabama, to provide for its jurisdiction, its officers, fix their powers, duties and compensation; to provide for a trial tax and its disposition." Approved February 1, 1937.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That Section 15 of an Act entitled "An Act to create a County Court for Russell County, Alabama; to provide for its jurisdiction, its officers, fix their powers, duties and compensation; to provide for a trial tax and its disposition," approved February 1st, 1937, be and same is hereby amended so as to read as follows: Section 15. That not later than the last day of January of each year all surplus funds in the County Court fund of said County shall be transferred to the fine and forfeiture fund of Russell County, Alabama.

Section 2. That all laws or parts of laws in conflict herewith be and the same are hereby expressly repealed.

Section 3. This Act shall take effect immediately upon its passage and approval by the Governor.

P.G.B. 43-4ts.

STATE OF ALABAMA,
RUSSELL COUNTY.

Before me, a Notary Public, in and for said County in said State, personally appeared Isabel A. Moses, who being known to me, after first having been duly sworn, deposes and says:

That she is the Publisher of the Phenix-Girard Journal, a newspaper published in Phenix City, Russell County, Alabama, and having general circulation in said County and that the attached notice of intention to apply for the passage of a local law affecting Russell County, Alabama, was published in said newspaper once a week for four consecutive weeks in its issues of October 23, October 30, November 6, November 13, 1942; that said newspaper was printed in part and published in Russell County, Alabama, and is printed in the English language and has a general circulation in said County of Russell in which it is published and said newspaper had been mailed under the second class mailing privileges of the United States Post Office in Phenix City, Alabama, where it is published for fifty-two weeks prior to the first publication of said notice in said newspaper.

ISABEL A. MOSES.

Sworn to and subscribed before me this the 17 day of May, 1943.

(SEAL). MRS. GLADYS WHEELIS,
Notary Public, Russell County, Alabama.

Also:

By Mr. Gullatt and Mr. Cole:

H. 382. To authorize and empower the Sheriff of Russell County, Alabama, to appoint, in addition to the Deputy or Deputies as now provided by law, a Special or General Deputy, fix his tenure of office, prescribe his duties, fix his compensation and to authorize and require the Court of County Commissioners to pay the same by warrant drawn on the Treasurer and paid out of the general funds of said County, and to require said Deputy to give bond in sum of $1,000.00 payable to said Sheriff, with conditions as required by law.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA,
RUSSELL COUNTY.

Notice is hereby given that the following local bill will be introduced in the Legislature of Alabama.

A BILL
TO BE ENTITLED
AN ACT

To authorize and empower the Sheriff of Russell County, Alabama, to appoint, in addition to the Deputy or Deputies as now provided by law, a Special or General Deputy, fix his tenure of office, prescribe his duties, fix

his compensation and to authorize and require the Court of County Commissioners to pay the same by warrant drawn on the Treasurer and paid out of the general funds of said County, and to require said Deputy to give bond in sum of $1,000.00 payable to said Sheriff, with conditions as required by law.

TO BE ENACTED BY THE LEGISLATURE OF ALABAMA.

Section 1. That the Sheriff of Russell County, Alabama, be and is hereby authorized and empowered to appoint, in addition to the Deputy or Deputies as now provided by law, a special or general Deputy, who shall hold office at the pleasure of the Sheriff, and who shall perform such services as said Sheriff may require of him either as field Deputy or other such services as said Sheriff may direct in the line and scope of duty pertaining to the Sheriff's office.

Section 2. That said Deputy, to be designated by the Sheriff at the time appointing him, shall receive as compensation not less than $100.00 per month, and not more than $150.00 per month, payable monthly.

Section 3. That the Court of County Commissioners of Russell County, Alabama, is hereby authorized and required to draw warrants in favor of such Deputy on the Treasurer of said County, each month for the preceding month's work, on the certificate of the said Sheriff that said work has been performed, for such amount as is provided in Section 2 of this Act, said warrants to be paid out of the general funds of said County.

Section 4. That said Sheriff may require such Deputy to make bond payable to him in the sum of $1,000.00 conditioned as required by Section 2595 of the Code of Alabama, 1923.

Section 5. That this act shall take effect upon its approval by the Governor.

Section 6. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

STATE OF ALABAMA,
RUSSELL COUNTY.

Before me, a Notary Public, in and for said County, in said State, personally appeared Isabel A. Moses, who being known to me, after first having been duly sworn, deposes and says:

That she is the Publisher of the Phenix-Girard Journal, a newspaper published in Phenix City, Russell County, Alabama and having a general circulation in said County and that the attached notice of the intention to apply for the passage of a local law affecting said Russell County was published in said newspaper once a week for four consecutive weeks in its issues of April 23, April 30, May 7, and May 14, 1943; that said newspaper was printed in part and published in Russell County, Alabama, and is printed in the English language and has a general circulation in said County of Russell in which it is published and said newspaper had been mailed under the second class mailing privileges of the United States Post-Office in Phenix City, Alabama, where it is published, for Fifty-two weeks prior to the first publication of the said notice in said newspaper.

ISABEL A. MOSES.

Sworn to and subscribed before me this the 15th day of May, 1943.

ISAAC I. MOSES,
(Seal) Notary Public, Russell County, Alabama.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committee as follows:

House Bills 378, 379, 380, 381 and 382, to the Committee on Local Legislation.

RESOLUTIONS

The Rules Committee offered the following Senate joint resolution, to-wit:

S. J. R. 22. Be IT RESOLVED BY THE SENATE, the House concurring that when the two houses adjourn today, they adjourn to meet again Tuesday morning, May the 25th, 1943.

Which was adopted.

The Rules Committee offered the following Senate joint resolution, to-wit:

S. J. R. 23. Whereas, Senate Bill Number 57 by Mr. Garrett and House Bill Number 30 by Messrs. Givhan and Green are identical and create the Alabama State Markets Board, and whereas, it is believed by the Legislature that the Alabama State Markets Program will be far-reaching and an historical step in the Agricultural Program of Alabama.

Now, therefore, be it resolved that the Legislature do now instruct the Secretary of State of Alabama in compiling the Acts of this Section of Legislature to show in said compilation that the said law was under the joint authorship of Messrs. Garrett, Givhan and Green by inserting a statement in said compilation to that effect.

Be it further resolved that a copy of this Resolution be furnished the Secretary of State by the Secretary of the Senate.

Which was adopted.

MOTION TO AMEND RULES

Mr. St. John of Cullman, offered the following motion in writing in accordance with notice given on yesterday, to-wit:

I move that Senate Rule No. 42 be amended to read as follows:

"42—The time of meeting of the Senate each day shall be 9 o'clock A.M. except on Monday, on which it shall convene at 10 o'clock; and in all cases upon the adjournment of the Senate, the

Secretary shall enter on the journal the hour of adjournment, and the name of the member on whose motion adjournment was had."

Which was read and referred to the Standing Committee on Rules.

REPORT FROM RULES COMMITTEE

Mr. Carlton, Chairman of the Standing Commtitee on Rules, reported that said committee, in session, had acted on the following motion to amend Rule 42 of the Senate and ordered same returned to the Senate with a favorable report, to-wit:

"42—The time of meeting of the Senate each day shall be 9 o'clock A.M. except on Monday, on which it shall convene at 10 o'clock; and in all cases, upon the adjournment of the Senate, the Secretary shall enter on the journal the hour of adjournment, and the name of the member on whose motion adjournment was had."

Which was passed by the Senate.

CONSIDERATION OF SPECIAL ORDERS

The Call of the Calendar being reached in the Order of Business, the Senate considered the following Special, Paramount and Continuing Orders of Business for today, the first of which was the bill:

H. 47. To make appropriation of Two Hundred and Fifty Thousand Dollars ($250,000.00), or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to defray the xepenses of the present session of the Legislature.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:	Dodson	Hornsby	St. John (Cullman)	
Benson	Espy	Kelly	Shaver	
Black	Garrett	Kilborn	Simpson	
Bradford	Goodwin	Lawson	Smith	
Carlton	Henderson	Madison	Toomer	
Cater	High	McCary	Walton	
Cobb	Hill	Pinson		—26

Nays: —0

The bill:

H. 4. To repeal an Act approved September 21, 1939, entitled "An Act to provide for the transfer of any surplus over and above $1,150,000.00 in the State Treasury to the credit of the General Fund, after the payment of all appropriations now or hereafter made payable from said fund, for each of the fiscal years ending September 30, 1939, September 30, 1940, September 30, 1941, September 30, 1942, and September 30, 1943, to the Minimum Program Fund for expenditure during the fiscal year next succeeding the fiscal year in which said surplus accrues, in accordance with the statutes and regulations of the State Board of Education relating to the expenditure of such fund."

Was read a third time at length and passed.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:	Dodson	Hornsby	St. John (Cullman)
Benson	Espy	Kelly	Shaver
Bentley	Garrett	Kilborn	Simpson
Black	Goodwin	Lawson	Smith
Bradford	Henderson	Madison	Toomer
Carlton	High	Pinson	Walton
Cater			—24
Nays:			—0

The bill:

H. 5. To repeal an Act approved September 21, 1939, entitled "An Act to appropriate $400,000.00 of any surplus over and above $750,000.00 in the State Treasury to the credit of the General Fund, after providing for the payment of all aproriations now or hereafter made payable from said fund, for each of the fiscal years ending Setember 30, 1939, September 30, 1940, September 30, 1941, September 30, 1942 and September 30, 1943, to provide a retirement fund for teachers in the State suported schools and colleges, to be expended in accordance with such statutes and regulations as may then be in force relating to the expenditure of such fund."

Was read a third time at length and passed.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:	Cobb	Kelly	St. John (Cullman)
Benson	Dodson	Kilborn	Shaver
Bentley	Espy	Lawson	Simpson
Black	Henderson	Madison	Smith
Bradford	High	McCary	Toomer
Carlton	Hill	Pinson	Walton
Cater	Hornsby		—25
Nays:			—0

The bill:

H. 6. To set up in the State treasury a fund to be known as the Alabama Special Educational Trust Fund Surplus Account.

Was read a third time at length and passed.

Yeas, 27; Nays, 0.

Messrs.:	Cobb	Hornsby	St. John (Cullman)
Benson	Dodson	Kelly	Shaver
Bentley	Espy	Kilborn	Sherrer
Black	Goodwin	Lawson	Simpson
Bradford	Henderson	Madison	Smith
Carlton	High	McCary	Toomer
Cater	Hill	Pinson	Walton

—27

Nays: —0

The bill:

H. 127. To establish an agricultural experiment branch station in the area of Alabama generally known as the Piedmont Area or Piedmont Plateau, and to appropriate sixty thousand dollars for such purposes and the additional sum of fourteen thousand nine hundred dollars annually for the maintenance and operation of said agriculture experiment branch station.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:	Cobb	Hornsby	St. John (Cullman)
Benson	Dodson	Kelly	Shaver
Bentley	Espy	Kilborn	Simpson
Black	Goodwin	Lawson	Smith
Bradford	Henderson	Madison	Toomer
Carlton	High	McCary	Walton
Cater	Hill	Pinson	

—26

Nays: —0

The bill:

S. 142. To provide that the amount of $68,256.58 remaining after the payment of expenses and costs of administration of House Bill No. 67, approved February 28, 1939, now in the State Treasury to the credit of the Use Tax Special Fund, to be referred to the General Fund.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:	Cobb	Hornsby	Pinson	
Benson	Dodson	Kelly	Shaver	
Bentley	Espy	Kilborn	Simpson	
Black	Garrett	Lawson	Smith	
Bradford	Goodwin	Madison	Toomer	
Carlton	Henderson	McCary	Walton	
Cater	High	Newton		—26
Nays:				—0

The bill:

S. 164. To fix the term of office of Tax Collectors, and to provide for their election.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nay, 1.

Yeas:

Messrs.:	Cater	Hornsby	St. John (Cullman)	
Benson	Cobb	Kilborn	Shaver	
Bentley	Dodson	Lawson	Sherrer	
Black	Goodwin	Madison	Simpson	
Bradford	Henderson	Newton	Toomer	
Carlton	High	Pinson	Walton	
				—23
Nay: Mr. McCary				—1

The bill:

S. 163. So fix the term of office of Tax Assessors and to provide for their election.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 25; Nay, 1.

Yeas:

Messrs.:	Cobb	Kelly	Shaver	
Benson	Dodson	Kilborn	Sherrer	
Bentley	Espy	Lawson	Simpson	
Black	Goodwin	Madison	Smith	
Bradford	Henderson	Pinson	Toomer	
Carlton	High	St. John (Cullman)	Walton	
Cater	Hornsby			—25
Nay: Mr. McCary				—1

The bill:

S.105. To amend Section 89, Article 2, Title 36 of the 1940 Code of Alabama.

Was taken up.

The Standing Committee on Public Roads and Highways offered the following amendment to the bill, to-wit:

Amend Senate Bill No. 105 by striking therefrom sections 2 and 3. Further amend Senate Bill No. 105 by adding thereto a new section 2 to read as follows:

"Section 2. The provisions of this Act shall become effective upon its aporval by the Governor, and shall remain in effect until May 20th, 1945, or until the termination of the existing war by the signing of a definite treaty of peace, whichever shall first occur."

Mr. St. John of Cullman offered the following substitute for the Committee amendment to the bill, to-wit:

Amend Senate Bill No. 105 by striking therefrom Sections 2 and 3, and insert in lieu thereof the following:

"Section 2. The provisions of this Act shall become effective upon its approval by the Governor and shall remain in effect until the first Tuesday in May, 1947."

Mr. Sherrer moved to lay on the table the substitute for the Committee amendment of the bill, which motion was lost.

Yeas, 7; Nays 21.

Yeas:

Messrs.:	Hill	Kilborn	Sherrer	
Bentley	Hornsby	Pinson	Smith	
				—7

Nays:

Messrs.:	Dodson	Lawson	Shaver	
Benson	Espy	Madison	Simpson	
Bradford	Garrett	McCary	Taylor	
Carlton	Goodwin	Newton	Toomer	
Cater	Henderson	St. John (Cullman)	Walton	
Cobb	High			21

And the substitute for the committee amendment, to the bill, offered by Mr. St. John of Cullman, was then adopted.

And the Committee amendment, as amended by the substitute, to the bill, was then adopted.

Yeas, 23; Nays, 6.

Yeas:

Messrs.:	Black	Carlton	Dodson
Benson	Bradford	Cater	Espy

Garrett	Kelly	Newton	Simpson
Goodwin	Lawson	Pinson	Taylor
Henderson	Madison	St. John (Cullman)	Toomer
High	McCary	Shaver	Walton

—23

Nays: Messrs.: Bentley, Hill, Hornsby, Kilborn, Sherrer and Smith —6

Mr. Sherrer offered the following amendment to the bill, as amended, to-wit:

To amend Senate Bill No. 105, Section one, by adding immediately following the words "Forty inches apart" the following clause:

"Provided, however, that in no instance shall any vehicle be operated over the Public Roads or Highways of this State with a total Gross Weight in excess of forty-five thousand pounds."

And on motion of Mr. Henderson, said amendment was laid on the table.

Yeas, 24; Nays, 5.

Yeas:

Messrs.:	Dodson	Kelly	St. John (Cullman)
Benson	Espy	Kilborn	Shaver
Black	Garrett	Lawson	Simpson
Bradford	Goodwin	Madison	Taylor
Carlton	Henderson	Newton	Toomer
Cater	High	Pinson	Walton
Cobb			

—24

Nays: Messrs: Bentley, Hill, Hornsby, Sherrer and Smith —5

Mr. Sherrer also offered the following amendment to the bill, as amended, to-wit:

Amend Senate Bill 105 by adding thereto Section 4 as an additional section to read as follows:

"Section 4. Provided, however, that in no instance shall any vehicle be operated over the Public Roads or Highways of this State with a total gross weight in excess of fitfy thousand pounds."

And on motion of Mr. Shaver, said amendment was laid on the table.

Yeas, 22; Nays, 6.

Yeas:

Messrs.:	Bradford	Cobb	Garrett
Benson	Carlton	Dodson	Henderson
Black	Cater	Espy	High

Kelly	Madison	St. John (Cullman)	Taylor
Kilborn	Newton	Shaver	Toomer
Lawson	Pinson	Simpson	Walton

—22

Nays: Messrs: Bentley, Goodwin, Hill, Hornsby, Sherrer and Smith —6

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 3.

Yeas:

Messrs.:	Dodson	Kilborn	Shaver
Benson	Espy	Lawson	Sherrer
Black	Garrett	Madison	Simpson
Bradford	Goodwin	McCary	Taylor
Carlton	Henderson	Newton	Toomer
Cater	High	Pinson	Walton
Cobb	Kelly	St. John (Cullman)	

—26

Nays: Messrs.: Bentley, Hill and Smith —3

PAIR ANNOUNCED

Mr. Hornsby announced that he and Mr. Brown were paired on this vote; that Mr. Brown, if present, would vote "Aye", and he, Mr. Hornsby, would vote, "Nay."

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. McCurdy:

H. 287. To authorize county and city boards of education to invest the unused proceeds of any warrants sold under the provisions of Article 4 of Title 52 of the Code of Alabama of 1940 in securities issued by the Government of the United State of America until such time as such proceeds can be used for the purposes for which the warrants were issued.

Also:

By Mr. Dodson:

H. 311. To provide that in counties in which the county superintendent of education is elected by popular vote, that the successful candidate shall take office on the July 1 following the date of his election.

Also:

H. 270. In relation to school buildings: for the purpose of eliminating the causes of school fires and other conditions which jeopardize the health and safety of school children and for the purpose of eliminating unnecessary school building construction costs by providing for review by the chief state school architect and approval by the state superintendent of education of all plans and specifications for public school buildings prior to construction of such buildings; by providing for preliminary and final inspection of such buildings by the state superintendent of education, or his agent, before final payment for said buildings is made; by providing that no contract made by a county or city board of education relating to school building construction is valid unless the contemplated building project is included in the annual capital outlay program required by the Minimum Program Law to be filed with the state superintendent of education; by providing that contracts for architectural services and school building construction made by county and city boards of education shall be on forms prescribed by the state superintendent of education; by providing for continuous inspection of certain public school buildings for fire hazards by representatives of the department of finance charged with the responsibility of inspecting buildings insured in the State Insurance Fund; and by providing penalties for the violation of the provisions of this act.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees as follows:

House Bills 287, 311, and 270, to the Committee on Education.

MESSAGE FROM HOUSE

Mr. President:

The House has received the accompanying message from his Excellency, the Governor, proposing an amendment to the bill H. 165, said Governor's message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To the House of Representatives
Montgomery, Alabama

The Members thereof:

I herewith transmit to you a message from the Governor returning House Bill No. 165 with suggested Executive Amendments.

Respectfully submitted,

GEO. BLISS JONES,
Secretary to the Governor.

May 21, 1943

To the House of Representatives
Montgomery, Alabama

The Members thereof:

I am herewith returning to you, the Body in which this bill originated, House Bill No. 165, without my approval.

I suggest the following Executive Amendments which, if adopted, will remove my objections to said bill:

Amend the title of House Bill No. 165 by inserting the word **"offices"** in lieu of the word **"officers"** as the said word appears therein.

Further, in Section 1 wheer the words **"thirty-eight hundred dollars"** appear, amend by substituting the words **"thirty-six hundred dollars"** to conform with the figures in said section.

Further, in said Section 1 where the words **"fifty-five hundred dollars"** appear, amend by substituting the words **"forty-nine hundred dollars"** to conform with the figures in said section.

Respectfully,

CHANCEY SPARKS,
Governor.

May 21, 1943.

And the House has concurred in and adopted the amendment proposed by the Governor to the bill H. 165 by a vote of Yeas. 66; Nays, 0, which was a majority of the whole number elected to the House, and said bill:

"To provide for clerical assistants, and other expenses, of the offices of the Judge of Probate, Tax Collector, and Tax Assessor of Calhoun County, and to provide for the payment of the salaries of clerks, deputies, and clerical assistants in said officers out of the County Treasury of Calhoun County."

As amended by the amendment proposed by His Excellency, the Governor, was again read a third time at length and passed by a vote of: Yeas, 67; Nays, 0, which was a majority of the whole number elected to the House.

And said bill, together with the amendment proposed by His Excellency the Governor, is herewith sent to the Senate for its consideration.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. McCary, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to H. 165 the title of which and said proposed amendment, is set out in the foregoing House.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Goodwin	Kilborn	Sherrer
Black	Henderson	Lawson	Simpson
Bradford	High	Madison	Smith
Carlton	Hill	McCary	Taylor
Cobb	Hornsby	St. John (Cullman)	Toomer
Dodson	Kelly	Shaver	Walton

—23

Nays: —0

Which was a majority of the whole number elected to the Senate.

And said bill, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Goodwin	Kilborn	Sherrer
Black	Henderson	Lawson	Simpson
Bradford	High	Madison	Smith
Carlton	Hill	McCary	Taylor
Cobb	Hornsby	St. John (Lawrence)	Toomer
Dodson	Kelly	Shaver	Walton

—23

Nays: —0

Which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Hodo:

H. 48. To make an appropriation for the support and maintenance of the Alabama Vocational School for Girls.

Also:
By Mr. Hodo:
H. 320. To appropriate $40,000.00 from the General Fund to the Public Library Service Division in the State Department of Archives and History.

Also:
By Mr. Jackson of Tallapoosa:
H. 128. To make an appropriation for the support and maintenance of the Southern Industrial Institute.

Also:
By Mr. Molette:
H. 285. To provide for the examination and auditing of the records and accounts of city boards of education upon the request of such boards by the division of examiners of public accounts of the State of Alabama, and to provide for the payment of the cost of such examination and audit by the State of Alabama.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees as follows:

House Bills 48, 320 and 128, to the Committee on Finance and Taxation.

H. 285, to the Committee on Education.

NOTICE IN WRITING

Mr. Walton offered the following motion in writing, to-wit:
I hereby give notice that on Thursday, May 27, 1943, immediately after the call of standing committees, I will move a second reading of Senate Bills Nos. 13, 12 and 11 and in the order named in this notice, said bills now being on the adverse calendar of the Senate.

Which was read aad ordered spread upon the Journal.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate joint resolution:

By Rules Committee:

S. J. R. 22. BE IT RESOLVED BY THE SENATE, the House concurring that when the two houses adjourn today, they adjourn to meet again Tuesday morning, May the 25th, 1943.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,
Clerk.

CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Henderson, further consideration of the bill:

S. 76. To establish an agricultural experiment branch station in the area of Alabama generally known as the Piedmont Area or Piedmont Plateau, and to appropriate sixty thousand dollars for such purposes and the additional sum of fourteen thousand nine hundred dollars annually for the maintenance and operation of said agricultural experiment branch station.

Was indefinitely postponed by the Senate.

BILLS ON THIRD READING RESUMED

The bill:

S. 186. To repeal an Act entitled "An Act to provide for an increase in the salaries of firemen and policemen in incorporated cities of the State of Alabama now or hereafter subjct to or governed by a commission created or elected under and by authority of the General Act of Alabama of 1911, page 330 by setting aside or appropriating for such purpose on-half of the monies derived by each such city under the terms of the Alcoholic Beverage Control Act of this State, and to fix the method by which the salaries of said firemen and policemen may be increased, approved March 4, 1937.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Goodwin	Kilborn	Sherrer
Black	Henderson	Lawson	Simpson
Bradford	High	Madison	Smith
Carlton	Hill	McCary	Taylor
Cobb	Hornsby	St. John (Cullman)	Toomer
Dodson	Kelly	Shaver	Walton

—23

Nays: —0

The bill:

H. 266. To provide for the payment of traveling expenses of the Chief Deputy Sheriff of Elmore County, Alabama, in the performance of his official duties.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Goodwin	Kilborn	Sherrer
Black	Henderson	Lawson	Simpson
Bradford	High	Madison	Smith
Carlton	Hill	McCary	Taylor
Cobb	Hornsby	St. John (Cullman)	Toomer
Dodson	Kelly	Shaver	Walton

—23

Nays: —0

The bill:

H. 275. To authorize, empower, and direct the Board of Revenue or Court of County Commissioners or other like governing body of Colbert County, Alabama, to provide for and furnish to the deputy or County Solicitor for said County suitable office space in Colbert County, Alabama, and office supplies, stationery and telephone for said office, and to provide for the payment of rent for said office and for the payment of said office supplies, stationery, and telephone by warrants drawn by the Judge of the Probate Court as chairman of the Board of Revenue or Court of County Commissioners or other like governing body for said County, out of the general funds of said County.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Carlton	Goodwin	Hill
Black	Cobb	Henderson	Hornsby
Bradford	Dodson	High	Kelly

Kilborn	McCary	Sherrer	Taylor
Lawson	St. John (Cullman)	Simpson	Toomer
Madison	Shaver	Smith	Walton

—23

Nays: —0

The bill:

H. 276. To allow the Sheriff of Colbert County, Alabama, an additional deputy sheriff to that now provided by law; to fix the salary of said deputy and to make the same payable out of the General Funds of Colbert County in monthly installments.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Goodwin	Kilborn	Sherrer
Black	Henderson	Lawson	Simpson
Bradford	High	Madison	Smith
Carlton	Hill	McCary	Taylor
Cobb	Hornsby	St. John (Cullman)	Toomer
Dodson	Kelly	Shaver	Walton

—23

Nays: —0

The bill:

H. 277. To provide that all official offices in the Court House of Colbert County, Alabama, may close at noon on one day each week during the year; to provide the fixing of the day for closing and notice thereof.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Goodwin	Kilborn	Sherrer
Black	Henderson	Lawson	Simpson
Bradford	High	Madison	Smith
Carlton	Hill	McCary	Taylor
Cobb	Hornsby	St. John (Cullman)	Toomer
Dodson	Kelly	Shaver	Walton

—23

Nays: —0

The bill:

H. 315. To prescribe the duties and fix additional compensation to that now allowed by law for the Coroner of Dallas County, Alabama and to provide payment for the performance of such.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Goodwin	Kilborn	Sherrer
Black	Henderson	Lawson	Simpson
Bradford	High	Madison	Smith
Carlton	Hill	McCary	Taylor
Cobb	Hornsby	St. John (Cullman)	Toomer
Dodson	Kelly	Shaver	Walton

—23

Nays: —0

The bill:

H. 316. For the relief of Mrs. Joseph E. Fort, compensation for the death of her husband, Joseph E. Fort, deceased, of Dallas County, Alabama, while he was in the line of and performing his duty as a road employee for the County of Dallas, State of Alabama.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Goodwin	Kilborn	Sherrer
Black	Henderson	Lawson	Simpson
Bradford	High	Madison	Smith
Carlton	Hill	McCary	Taylor
Cobb	Hornsby	St. John (Cullman)	Toomer
Dodson	Kelly	Shaver	Walton

—23

Nays: —0

The bill:

H. 317. To Authorize, empower and require the County Board of Education of Dallas County, Alabama to pay the costs and expenses of the biennial school census of said County, to purchase and procure any and all necessary items and services, to pay all of the expenses in connection with the operation of the office of the County Board of Education, its officers and agents thereof, and to pay for the same from County school funds.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Goodwin	Kilborn	Sherrer
Black	Henderson	Lawson	Simpson
Bradford	High	Madison	Smith
Carlton	Hill	McCary	Taylor
Cobb	Hornsby	St. John (Cullman)	Toomer
Dodson	Kelly	Shaver	Walton

—23

Nays: —0

The bill:

H. 95. To amend Section 39, Title 62, of the Code of Alabama of 1940, the same being a part of an Act approved Sept. 6, 1935, and found in the Acts of Alabama, 1935, pages 772 and 773.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Goodwin	Kilborn	Sherrer
Black	Henderson	Lawson	Simpson
Bradford	High	Madison	Smith
Carlton	Hill	McCary	Taylor
Cobb	Hornsby	St. John (Cullman)	Toomer
Dodson	Kelly	Shaver	Walton

—23

Nays: —0

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the seventeenth day and finds same correct and containing all original entries and references thereto required by the Constitution.

Jim Smith, Jr.,
Chairman.

COMMITTEE REPORT

On motion of Mr. Smith, the foregoing report was concurred in and the Journal of the Senate for the seventeenth day approved by the Senate.

ADJOURNMENT

At 12:35 P.M., on motion of Mr. Newton, and in accordance with joint resolution heretofor adopted, Senate adjourned until Tuesday, May 25, 1943, at ten A.M.

TWENTY-SECOND DAY

(The Senate was not in session on the Nineteenth, Twentieth and Twenty-first days.)

The Senate met pursuant to adjournment Lieutenant Govarnor Ellis presiding.

PRAYER

The Session was opened with Prayer by Rabbi Eugene Blachschleger, of Temple Beth Or, Montgomery.

ROLL CALL

Present:

Messrs.:	Espy	Kelly	St. John (Lawrence)
Benson	Garrett	Kilborn	Shaver
Bentley	Goodwin	Lawson	Sherrer
Black	Henderson	Madison	Simpson
Bradford	High	McCary	Smith
Carlton	Hill	Newton	Taylor
Cater	Hornsby	Pinson	Toomer
Cobb	Jones	St. John (Cullman)	Walton

—31

JOURNAL

On motion of Mr. Carlton, the reading of the Journal of the eighteenth day was dispensed with and same approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Espy, leave of absence was granted Mr. Dodson for today.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, yours signature thereto is requested:

H. 4. To repeal an Act approved September 21, 1939, entitled "An Act to provide for the transfer of any surplus over and above $1,150,000.00 in the State Treasury to the credit of the General Fund, after the payment of all appropriations now or hereafter made payable from said fund, for each of the fiscal years ending September 30, 1939, September 30, 1940, September 30, 1941, Sep-

tember 30, 1942, and September 30, 1943, to the Minimum Program Fund for expenditure during the fiscal year next succeeding the fiscal year in which said surplus accrues, in accordance with the statutes and regulations of the State Board of Education relating to the expenditure of such fund."

Also:

H. 5. So repeal an Act approved September 21, 1939, entitled "An Act to appropriate the first $400,000.00 of any surplus over and above $750,000.00 in the State Treasury to the credit of the General Fund, after providing for the payment of all appropriations now or hereafter made payable from said fund, for each of the fiscal years ending September 30, 1939, September 30, 1940, September 30, 1941, September 30, 1942 and September 30, 1943, to provide a retirement fund for teachers in the State supported schools and colleges, to be expended in accordanc with such statutes and regulations as may then be in force relating to the expenditure of such fund."

Also:

H. 6. To set up in the State treasury a fund to be known as the Alabama Special Educational Trust Fund Surplus Account.

Also:

H. 47. To make appropriation of Two Hundred and Fifty Thousand Dollars ($250,000.00), or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to defray the expenses of the present session of the Legislature.

Also:

H. 95. To amend Section 39, Title 62, of the Code of Alabama of 1940, the same being part of an Act approved Sept. 6, 1935, and found in the Acts of Alabama, 1935, pages 772 and 773.

Also:

H. 127. To establish an agricultural experiment branch station in the area of Alabama generally known as the Piedmont Area or Piedmont Plateau, and to appropriate sixty thousand dollars for such purposes and the additional sum of fourteen thousand nine hundred dollars annually for the maintenance and operation of said agricultural experiment branch station.

Also:

H. 165. To provide for clerical assistants, and other expenses, of the offices of the Judge of Probate, Tax Collector, and Tax Assesso rof Calhoun County, and to provide for the payment of the

salaries of clerks, deputies, and clerical assistants in said offices out of the County Treasury of Calhoun County.

Also:

H. 266. To provide for the payment of traveling expenses of the Chief Deputy Sheriff of Elmore County, Alabama, in the performance of his official duties.

Also:

H. 275. To authorize, empower, and direct the Board of Revenue or Court of County Commissioners or other like governing body of Colbert County, Alabama, to provide for and furnish to the deputy or County Solicitor for said County suitable office space in Colbert County, Alabama, and office supplies, stationery and telephone for said office, and to provide for the payment of rent for said office and for the payment of said office supplies, stationery, and telephone by warrants drawn by the Judge of the Probate Court as chairman of the Board of Revenue or Court of County Commissioners or other like governing body for said County, out of the general funds of said County.

Also:

H. 276. To allow the Sheriff of Colbert County, Alabama, an additional deputy sheriff to that now provided by law; to fix the salary of said deputy and to make the same payable out of the General Funds of Colbert County in monthly installments.

Also:

H. 277. To provide that all official offices in the Court House of Colbert County, Alabama, may close at noon on one day in each week during the year to provide the fixing of the day for closing and notice thereof.

Also:

H. 315. To prescribe the duties and fix additional compensation to that now allowed by law for the coroner of Dallas County, Alabama and to provide payment for the performance of such.

Also:

H. 316. For relief of Mrs. Joseph E. Fort, compensation for the death of her husband, Joseph E. Fort, deceased, of Dallas County, Alabama, while he was in line of and performing his duty as a road employee for the County of Dallas, State of Alabama.

Also:

H. 317. To Authorize, empower and require the County Board of Education of Dallas County, Alabama to pay the costs and expenses of the biennial school census of said County, to purchase

and procure any and all necessary items and services, to pay all of the expenses in connection with the operation of the office of the County Board of Education, its officers and agents thereof, and to pay for the same from County school funds.

R. T. Goodwyn, Jr.,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committee, as follows:

By Mr. St. John (Lawrence):

S. 242. To amend Title 28, Section 52, of the Code of Alabama of 1940, so as to provide for the payment of proper charges and expenses of examining domestic insurance companies.

Committee on Insurance.

By Mr. St. John (Cullman):

S. 243. To Authorize The Investment of Certain Municipal Funds In U. S. Government Securities.

Committee on Municipalities and Municipal Organizations.

By Mr. St. John (Cullman):

S. 244. To amend Section 462 of Title 37 of the 1940 Code of Alabama, so as to provide for the manner of publication of building code ordinances.

Committee on Municipalities and Municipal Organizations.

Br Mr. St. John (Cullman):

S. 245. To amend Section 242 of Title 55, of the Code of Alabama of 1940.

Committee on Municipalities and Municipal Organizations.

By Mr. St. John (Cullman):

S. 246. To amend Section 240 of Title 55, of the Code of Alabama of 1940.

Committee on Municipalities and Municipal Organizations.

By Mr. St. John (Cullman):
S. 247. To amend Section 287 of Title 37 of the Code of Alabama of 1940.
Committee on Municipalities and Municipal Organizations.

By Mr. Madison:
S. 248. To amend Section 394 of Title 17 of the 1940 Code of Alabama.
Committee on Privileges and Elections.

By Mr. Kilborn:
S. 249. To amend Sections 78 and 80 of Title 51 of the Code of Alabama of 1940.
Committee on Finance and Taxation.

By Mr. Kilborn:
S. 250. To amend Sections 89, 94, 95 and 97 of Title 51 Code of Alabama of 1940.
Committee on Finance and Taxation.

By Mr. Sherrer:
S. 251. To prohibit the making of proposals of miscegenation, or suggest, or attempt to induce, or invite any person of the opposite sex to perform an act of sexual intercourse with any person or persons with whom marriage would be in violation of Section 360 of Title 14 of the Code of Alabama of 1940; and to provide for and fix a penalty for the violation of this Act.
Committee on Judiciary.

By Mr. Sherrer:
S. 252. To Amend Section 13 of Title 14 of the Code of Alabama of 1940.
Committee on Judiciary.

By Mr. Sherrer:
S. 253. To Amend Section 397 of Title 14 of the Code of Alabama of 1940.
Committee on Judiciary.

REPORTS OF COMMITTEES

Mr. Lawson, Chairman of the Standing Committee on Banking, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the the calendar, to-wit:

By Mr. Rains:
H. 167. To amend Title 5, Section 220, Code of 1940, to provide qualifications of Directors and Officers of Savings & Loan Associations.

By Mr. Rains:
H. 168. To amend Title 5, Section 244, Code of 1940, to provide for the Savings & Loan Board:

By Mr. Smyer:
H. 170. To further regulate the supervision of credit unions.

By Mr. Johnston (Mobile):
H. 185. To amend Title 5, Section 239, Code of 1940, to provide for unclaimed funds of Associations and Liquidations.

By Mr. Johnston (Mobile):
H. 186. To amend Title 5, Section 243, Code of 1940, to provide the supervisory power of the Commissioner:

By Mr. White:
H. 193. To amend Title 5, Section 249, Code of 1940, to provide for conservatorship and receivership of Savings and Loan Associations.

Mr. Cobb, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Cole and Gulatt (with notice and proof):
H. 378. To authorize and empower the Judge of Probate of Russell County, Alabama, to appoint a chief Clerk, and to fix the salary and to provide the method of payment of salary of said Chief Clerk.

By Messrs. Cole and Gullatt (with notice and proof):
H. 382. To authorize and empower the Sheriff of Russell County, Alabama, to appoint, in addition to the Deputy or Deputies as now provided by law, a Special or General Deputy, fix his tenure of office, prescribe his duties, fix his compensation and to authorize and require the Court of County Commissioners to pay the same by warrant drawn on the Treasurer and paid out of the general funds of said County, and to require said Deputy to give bond in sum of $1,000.00 payable to said Sheriff, with conditions as required by law.

By Messrs. Cole and Gulatt (with notice and proof):

H. 379. To provide for the appointment of a Deputy Circuit Clerk of the Circuit Court of Russell County, Alabama, to fix the salary of such Deputy, and to provide the method of Payment of such salary; to provide or require such deputy Clerk to enter into a bond in the sum of $5,000.00 conditioned as required by law of all Clerks of Circuit Courts, and to provide the method of appointment of such Deputy Clerk.

By Messrs. Gulatt and Cole (with notice and proof):

H. 380. To fix the salary of the Deputy Solicitor of Russell County, Alabama.

By Messrs. Gulatt and Cole (with notice and proof):

H. 381. To Amend Section 15 of an Act entitled: "An Act to create a County Court for Russell County, Alabama, to provide for its jurisdiction, its officers, fix their powers, duties and compensation; to provide for a trial tax and its disposition." Approved February 1, 1937.

By Mr. Lawson (with notice and proof):

S. 239. To authorize the Court of County Commissioners of Hale County, Alabama, to make appropriations, from time to time, from the General Fund of the county to the Hale County War Savings Staff, during the present war, to help pay the expenses and promote the work of said Hale County War Savings Staff.

By Messrs. Stewart and Harris (with notice and proof):

H. 345. To provide for the distribution and expenditure of the net funds received by Morgan County, Alabama, arising from the placing of the office of Judge of Probate of Morgan County on a salary basis.

By Messrs. Stewart and Harris (with notice and proof):

H. 346. To provide that commencing on October 1, 1943, the Judge of Probate of Morgan County, Alabama, shall be compensated by a salary of Five Thousand Dollars ($5000.00) per annum, in lieu of all other compensation; to require that said Judge of Probate collect all fees, commissions, costs, percentages, allowances and other items allowed to or provided for a judge of probate by the general laws of this state then and thereafter in force, except as otherwise provided by local act applicable to Morgan County, and that he pay the same into the county treasury; and to provide a penalty for failure to do so; to provide for the furnishing of equipment, supplies and clerical assistance to said Judge of Probate, and the duties of and compensation of said assistants and the manner of the payment of the same and of said salary; to provide for the performance of certain duties by the Board of Revenue and Control of

said county and the Chairman thereof made necessary by the placing of said office on a salary basis; and to provide for the repeal of all laws in conflict with this act, and the effective date of this act.

By Messrs. Stewart and Harris (with notice and proof):

H. 347. To amend sections 2, 3 and 5 of an Act to fix the compensation or salary to be paid the Tax Collector of Morgan County, approved September 15, 1939, being Act No. 464 of the regular session of the Legislature of Alabama of 1939 (Local Acts, 1939, page 278), and to provide for the effective dates of this act.

By Messrs. Stewart and Harris (with notice and proof):

H. 348. To provide that the Judge of Probate of Morgan County shall not collect fees for: (1) filing a claim against an estate and giving a receipt therefor, (2) attesting a satisfaction of a mortgage or vendor's lien, (3) approving, filing and recording an official bond, (4) filing and recording deeds or conveyances to Morgan County, and (5) administering an affidavit; and to provide the effective date of this act.

By Messrs. Stewart and Harris (with notice and proof):

H. 349. To amend sections 2, 3 and 5 of an Act to fix the compensation or salary to be paid the Tax Assessor of Morgan County, which act became a law on September 14, 1939, being Act No. 361 of the regular session of the Legislature of Alabama of 1939 (Local Acts, 1939, page 248) and to provide the effective date of this act.

Mr. Henderson, Chairman of the Standing Committee on Constitutional Constitution Revision and Amendments, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Henderson (with substitute):

S. 219. To propose an amendment to Article IV Section 93 of the Constitution of Alabama; providing that the state may engage in the construction, improvement, repairs, maintenance and operation, of public airports, air landing fields and other navigation facilities in the State of Alabama and may appropriate money or otherwise provide funds for this purpose; providing that the state may use convict labor and equipment for such purposes; providing that the state may grant the use of such facilities or lease parts of such facilities or properties adjoining such facilities to the Federal government, the counties, the municipalities, or the other instrumentalities or institutions of government or to any person, firm, corporation or association, and providing that the state may sell or transfer such facilities to the Federal government, to any city, town

or instrumentality, public institution or political subdivision of government and to order an election for the qualified voters of the State of Alabama upon such proposed amendment to be held at the next general election held after the final adjournment of the present session of the Legislature at which this amendment is proposed and to provide for the manner of holding said election.

The above bill was read a second time at length as required by the Constitution.

Mr. Kelly, Acting Chairman of the Standing Committee on Military, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Cater:

S. 206. To amend Sections 44 and 49 of Chapter 2 of Title 60 of Code of Alabama of 1940 establishing the office of state service commissioner, authorizing the position of assistant state service commissioner, the offices of state service field commissioners and other personnel of the commissioner's office, defining their duties, and fixing the compensation therefor.

By Mr. Walton:

S. 240. To provide Armory Drill Pay for Members of the Temporary Military Force of the State of Alabama; to Prescribe the Condition under and the Manner in which it shall be paid.

By Messrs. Deason, Dobbs (Elmore) and Black:

H. 319. To amend Section 212, Title 26, 1940 Code of Alabama.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolutions:

By Mr. Coburn:

H. J. R. 23. Designating S. B. 26 as the Pinson-Gullatt Bill.

Also:

By Mr. Coburn:

H. J. R. 22. Designating House Bill 124 the Bradford-Cole Bill.

And sends same herewith to the Senate for its consideration.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The resolutions, H. J. R. 22 and H. J. R. 23, set out in the foregoing Message from the House, were read and on motion of Mr. Walton, the Rules were suspended, and said resolutions adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House bills and ordered same sent forwith to the Senate without engrossment:

By Mr. Ard:

H. 388. To Fix the compensation of the Chief Deputy Sheriff of Dale County, Alabama, at a salary of not less than eighteen hundred Dollars ($1800.00) per annum, and of not more than twenty-one hundred dollars ($2100.00) per annum, and to provide a means of payment and fixing the same by the court of County Commissioners of such County or like governing body, and fixing the effective date of this act.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that the following Bill will be introduced at the regular session of the 1943 Legislature of Alabama:

A BILL
TO BE ENTITLED
AN ACT

To Fix the compensation of the Chief Deputy Sheriff of Dale County, Alabama, at a salary of not less than eighteen hundred Dollars ($1800.00) per annum, and of not more than twenty-one hundred dollars ($2100.00) per annum, and to provide a means of payment and fixing the same by the court of County Commissioners of such County or like governing body, and fixing the effective date of this act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1: That the salary or compensation of the Chief Deputy Sheriff of Dale County, Alabama, is hereby fixed at not less than Eighteen hundred Dollars, ($1800.00) per annum and not more than Twenty-one Hundred Dollars ($2100.00) per annum payable in twelve equal monthly installments out of the treasury of the county upon the warrant of the Court of County Commissioners of such county or like governing body.

Section 2: The Court of County Commissioners or such like governing body of Dale County, Alabama, shall fix the compensation within the limits

set in Section 1 of this Act which compensation shall not be changed during the term of office of the Sheriff of said Dale County, Alabama, who appoints the Deputy under provision of Title 54, Section 3, of the Code of Alabama, 1940.

Section 3. This Act shall become effective upon approval by the Governor or by otherwise becoming a law.

STATE OF ALABAMA,
DALE COUNTY.

Before me, a notary public in and for said county and state, personally appeared Mrs. Vivian Adams, who deposeth and sayeth that she is the publisher of The Southern Star, a weekly newspaper published in said County and State, and that the notice attached hereto was published for 4 consecutive weeks, as follows:

April 22, 1943; April 29, 1943; May 6, 1943; May 13, 1943.

Signed: MRS. VIVIAN ADAMS, Publisher.

Sworn to and subscribed before me this 15th day of May, 1943.

ONNIE ARD,
(SEAL) Notary Public.
My Commission Expires Oct. 19, 1943.

Also:

By Mr. Johnson:

H. 383. To amend Section 1 of an act approved July 21, 1927, entitled an Act to allow the Sheriff of Winston County an additional deputy sheriff to that as now provided by law, and fix his salary, and make it payable out of the general funds of the county in monthly installments, said deputy to be located at Haleyville, Alabama, so that Section 1 of said act as amended shall read as follows:

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF INTENTION TO INTRODUCE LOCAL BILL
FOR WINSTON COUNTY:

Notice is hereby given that the following local bill will be introduced in the Legislature at its next session:

A BILL
TO BE ENTITLED
AN ACT

To amend Section I of an act approved July 21, 1927, entitled an Act to allow the Sheriff of Winston County an additional deputy sheriff to that as now provided by law, and fix his salary, and make it payable out of the general funds of the county in monthly installments, said deputy to be located at Haleyville, Alabama, so that Section I of said act as amended shall read as follows:

Be It Enacted by the Legislature of Alabama: Section I. That the Sheriff of Winston County is hereby allowed an additional deputy to the one

now provided by law which said deputy shall be located at Haleyville and shall receive as salary a sum not to exceed One Thousand and Five Hundred ($1,500.00) Dollars per annum, to be fixed by the Commissioners Court of Winston County, Alabama, and to be paid in twelve equal monthly installments out of the general fund of said Winston County, and shall be eligible to perform duties anywhere in said Winston County.
4-15-4t

STATE OF ALABAMA,
WINSTON COUNTY

Personally appeared before me the undersigned authority in and for said county and state, Jay Thornton, who after being duly sworn deposes and says:

My name is Jay Thornton. I am editor and publisher of The Advertiser-Journal, a newspaper of general circulation, published weekly in Haleyville, Winston County, Alabama. The copy of publication hereto attached was published in said paper for 4 consecutive weeks, the first copy of said notice appearing in the issue of said paper published on the 15th day of April, 1943, and the last copy of said publication appearing in the said paper on the 6th day of May, 1943.

JAY THORNTON.

Sworn and subscribed to before me this 15th day of May, 1943.

BERNICE YOUNGBLOOD,
Notary Public.

Also:

By Mr. Dobbs of Elmore and Mr. Golson of Elmore:

H. 374. So create, establish and regulate a Court of record in and for Elmore County, Alabama, to be known as and be called "Court of Common Pleas of Elmore County"; to provide and define the criminal and civil jurisdiction of said Court, and the terms thereof; to provide for the Judge and other officers of said Court, their powers, duties and compensation; to fix the term of office for such Judge, the manner and time of his selection and election; to provide for his successor in case of a vacancy; to fix the fees and costs in said Court; to provide for the creation of two divisions of said Court to be known and called "The Tallassee Division" and "The Wetumpka Division"; to provide for the holding of terms and sessions thereof of said divisions; to provide for the method and manner of instituting civil and criminal proceedings therein, and the procedure therein; to provide for the rules of procedure for said Court and the operation thereof; to provide for and regulate appeals from said Court; to provide for the registration of Judgments rendered in and by said Court, and the effect thereof, and liens of its judgments, and the issuance of process thereon; to provide and designate the time and place at which each session of said Court in each division thereof shall be held; to provide for an office of the Judge of said Court; to provide for the necessary office fixtures, stationery, stamps, telephone, lights, heat,

and other necessary supplies for the Judge of this Court; to provide for the necessary office supplies for the Clerk of this Court; to provide for official bond of the Clerk of said Court and the payment of the premium thereon; to abolish the Inferior Court of Elmore County and the County Court of Elmore County; to provide for the transfer of all cases now pending in the Inferior Court of Elmore County together with the record of such pending cases to the Court of Common Pleas of Elmore County and to authorize the issuance of process on, and control over the Judgments rendered by the said Inferior Court of Elmore County before the abolition thereof; to repeal all laws and parts of laws in conflict herewith.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

State of Alabama
Elmore County

Notice is hereby given of the intention to apply (and that application will be made) to the Legislature of Alabama, during its regular session of the year 1943 for the passage and making into a law a Bill, in substance as follows:

AN ACT

To create, establish and regulate a Court of record in and for Elmore County, Alabama, to be known as and be called "Court of Common Pleas of Elmore County"; to provide and define the criminal and civil jurisdiction of said Court, and the terms thereof; to provide for the Judge and other officers of said Court, their powers, duties and compensation; to fix the term of office for such Judge, the manner and time of his selection and election; to provide for his successor in case of a vacancy; to fix the fees and costs in said Court; to provide for the creation of two divisions of said Court to be known and called "The Tallassee Division" and "The Wetumpka Division"; to provide for the holding of terms and sessions thereof of said divisions; to provide for the method and manner of instituting civil and criminal proceedings therein, and the procedure therein; to provide for the rules of procedure for said Court and the operation thereof; to provide for and regulate appeals from said Court; to provide for the registration of Judgments rendered in and by said Court, and the effect thereof, and liens of its judgments, and the issuance of process thereon; to provide and designate the time and place at which each session of said Court in each division thereof shall be held; to provide for an office of the Judge of said Court; to provide for the necessary office fixtures, stationery, stamps, telephone, lights, heat, and other necessary supplies for the Judge of this Court; to provide for the necessary office supplies for the Clerk of this Court; to provide for official bond of the Clerk of said Court and the payment of the premium thereon; to abolish the Inferior Court of Elmore County and the County Court of Elmore County; to provide for the transfer of all cases now pending in the Inferior Court of Elmore County together with the record of such pending cases to

the Court of Common Pleas of Elmore County and to authorize the issuance of process on, and control over the Judgments rendered by the said Inferior Court of Elmore County before the abolition thereof; to repeal all laws and parts of laws in conflict herewith.

Be it enacted by the Legislature of Alabama:

Section 1. That there is hereby created and established in Elmore County, Alabama, a Court of record to be known as and called the "Court of Common Pleas of Elmore County": which said Court shall have and exercise civil and criminal jurisdiction as hereinafter provided.

Section 2. That said Court shall have civil jurisdiction in all civil matters of which justices of the peace of Elmore County have jurisdiction under the general laws of the State of Alabama, concurrently with the several justices of the peace in said County; and in addition thereto, the said court shall have jurisdiction, concurrently with the Circuit Court of Elmore County, Alabama, of all matters, suits and actions at law which are in amount more than the jurisdiction of the justices of the peace, and less than the sum of $300.01, and when the value of the property sued for in a suit in detinue is less than $300.01, provided, however, that the said court shall not have and exercise civil jurisdiction of actions of libel, slander, assault and battery or ejectment or actions in the nature of ejectment; and the said court shall have original jurisdiction, concurrent with the Circuit Court of Elmore County, Alabama, of all misdemeanors committed in Elmore County, Alabama; and it shall have preliminary jurisdiction of all felonies, concurrent with the several justices of the peace of said county, committed in Elmore County, Alabama. The jurisdiction both civil and criminal, of the said Court of Common Pleas of Elmore County as hereinabove provided, shall be co-extensive with the county.

Section 3. The Judge of said court shall have been a resident in and a qualified elector of Elmore County for at least two years at the time of his appointment or election, and shall reside in the said county during his continuance in office. He shall be at least 25 years of age, and shall be learned in the law and admitted to the practice of law in this State. He shall not during his term of office act as attorney in any case or matter that has previously been in or is in this court, but may practice in all other matters and all other courts. This Act shall become a law and be in full force and effect immediately upon its passage and approval or its otherwise becoming a law, but it shall not affect the term of office of the present Judge of the Inferior Court of Elmore County or his successor in office, and he, or his successor shall be the Judge of the Court created by this Act, and the said present Judge of the said Inferior Court of Elmore County or his successor in office shall hold office as Judge of the court created and established herein until the first Monday after the second Tuesday in January, 1945, and until his successor is elected and qualified as now required by law, or as provided in this Act, and shall perform the duties, and receive the compensation as herein provided for the Judge of this Court.

Section 4. That the term of office of the Judge of this ourt, who shall be elected by the qualified electors of Elmore County, Alabama, at the general election for State and County officers in the year 1944 shall be for six years from the first Monday after the second Tuesday in January 1945, and every six years thereafter and until his successor is elected or appointed and qualified. Upon the passage and approval of this Act or its otherwise becoming a law, the Governor shall issue commission to the person who is Judge of the Inferior Court of Elmore County at the time this Act becomes a law, as Judge of the Court of Common Pleas of Elmore County, as herein

provided; and after the election of the Judge of this Court as herein provided the Governor shall likewise issue to him a commission, as such Judge. Before entering upon the duties of his office, the Judge of this Court shall take the oath of office in the form required by law to be taken by Judges of the Circuit Court of this State and he shall be removed from office for the same causes and in the same manner as is now or may be hereafter provided for removal of Circuit Judges. In the event of the vacancy caused by the resignation, removal or death of said Judge, or for other causes, the Governor shall fill the same by appointment and the person so appointed shall hold office as provided for in Section 158 of the Constitution of this State. In case the Judge of said Court shall be unable at any time to discharge the duties of his office by reason of sickness, disqualifications or other causes, the Judge shall make, or cause to be made by the Clerk thereof, an order, when the facts warrant it, setting forth the reasons of his inability to sit in said court, and the said order shall be spread on the minutes of the Court. Thereupon the Clerk of this Court shall designate and appoint in writing, which appointment shall be spread on the minutes of this Court, some practicing attorney of the County who is learned in the law, as Special Judge thereof, and the person so designated and appointed shall perform all of the duties and exercise all of the powers and authority of the Judge of this Court, and shall hold said office until the regular Judge thereof shall resume his duties; the said Special Judge shall receive for his compensation Five Dollars ($5.00) for each day he serves as such Judge of this Court payable in the same manner and from the same funds as the compensation of the regular Judge is paid. The regular Judge of this Court shall have authority to administer oaths, and take acknowledgements and affidavits in all cases, and to solemnize marriages the same as circuit Judges of this State.

Section 5. The Judge of this Court shall receive a salary of Eighteen Hundred Dollars per annum, payable in equal monthly installments out of the general fund of Elmore County, Alabama, upon the warrant of the Probate Judge of Elmore County, Alabama, which he is hereby authorized and directed to issue monthly, and which warrants shall be a preferred claim against said general fund.

Section 6. The Clerk of the Circuit Court of Elmore County, Alabama, shall act and be Clerk of the Court of Common Pleas of Elmore County, hereby established, and he shall keep a civil and criminal docket of all cases brought before the said Court, and all of the minutes and records as are now required by law to be kept by Clerks of the Circuit Courts, and he shall have authority to issue all necessary summons and complaints as to all cases filed in said court, and all other civil and criminal process which Clerks of the Circuit Courts are now required or empowered by law to issue. He shall have authority to swear witnesses at the trial of all cases in said Court. It shall be the duty of the clerk to tax and collect in each civil and criminal case in said Court of Common Pleas of Elmore County the same costs and fees for services of the Solicitor, the Clerk, the Sheriff and the witnesses as are now allowed by law to be taxed, charged and collected in the Circuit Court of this State, which he shall disburse as is now required of said fees in the Circuit Courts of Elmore County, Alabama, except as may be hereinafter provided. It shall also be his duty to collect, or receive from the Sheriff, all fines and forfeitures in said Court, which, together with the Solicitor's fees taxed and collected in said Court. He shall pay into the fine and forfeiture fund of Elmore County, in the same manner as now provided for the disposition of such funds in the Circuit Court of Elmore County, Alabama. The Clerk shall tax in each civil case, except when the amount involved is less than $101.00, a trial fee of Two Dollars, and shall tax in all criminal cases a trial fee of Five Dollars, to be collected as all other costs

are collected, and when collected, paid into and become a part of the general fund of the county. Witness fees taxed and collected in civil cases shall be retained by the Clerk and paid over to the witnesses entitled to the same, provided, however, that witnesses shall have the first five days after their attendance upon the court in any case therein pending, to prove their attendance and to be issued a witness certificate, and, failing therein, no costs shall be taxed on account of the said attendance of such witnesses; and provided further, that in case civil witness certificates are not presented to the Clerk for payment within 90 days after the payment of the costs in the cases in which the said certificates were issued, the said witness fees shall revert to the general fund of the county and shall be paid by said Clerk into the County Treasury for the use of the said fund, and the said Clerk shall pay over to the County Treasurer all such reverted fees in his hands on the first Monday in each month. State witness fees in criminal cases shall be taxed, collected, paid into and disbursed from the fine and forfeiture fund of Elmore County, Alabama. That each witness attending Court in civil cases shall be entitled to seventy-five cents per day and five cents per mile actually travelled by the most direct route in going to court and returning home. the said witness fees to be taxed as a part of the costs and to be collected and disposed of as herein provided. The said Clerk shall attend upon the sessions of said Court at such hours as are designated by the Judge thereof and shall perform such other duties as may be prescribed by the Judge of the said Court and by this act, either in person or by deputy. The said Clerk shall issue certificates of judgments of said Court, in the same form as is now provided by law for issuance of certificates of judgments from the Circuit Courts, for which he shall be allowed the same fees as are now allowed in the Circuit Courts. The owner of any judgment rendered by said Court may file in the office of the Judge of Probate of any County of this State such certificate of judgment issued by the Clerk as hereinabove provided, under the same procedure and in the same manner as is now or may hereafter be provided for filing certificates of judgments rendered by the Circuit Courts of this State; and when so filed such judgment shall be a lien in the County where filed on all property of the defendant which is subject to levy and sale under execution. The filing of such certificate of judgment shall be notice to all persons of the existence of the lien thereby created. Such lien shall continue for ten years from the date of such judgment and no insolvency proceedings or declaration of insolvency shall affect or impair such lien, except bankruptcy proceedings instituted within four months after the filing of the certificate, provided by law. Execution may be issued at any time within ten years from the date of such judgment, whether execution has been previously issued or not. The Clerk of said court, before entering into the duties of his office, shall give bond in such penal sum as may be prescribed by the Court of County Commissioners of Elmore County, Alabama, payable and conditioned as are official bonds required of Clerks of the Circuit Courts, to be taken and approved by the Judge of Probate of Elmore County, and recorded in the Probate Office of Elmore County, Alabama, and upon said bonds there shall be the same liabilities and remedies as upon bonds of the Clerks of the Circuit Court of this State. The premium on said bond or bonds shall be paid out of the general fund of the County. The Clerk shall receive the same fees and costs as are now allowed by law to Clerks of the Circuit Court of this State, as his compensation. The Clerk shall receive a fee of One Dollar for each writ of arrest issued by him, to be taxed and collected as other costs are taxed and collected.

Section 7. The Sheriff of Elmore County shall, in person, or by deputy, be required to attend upon the said court and to preserve order and execute

all writs or process issued therefrom, and to perform such other duties in all respects as he is required by law to perform in the Circuit Court of Elmore County; and for such services of attending said court the Sheriff shall receive the sum of Two Dollars per day payable out of the fine and forfeiture fund on warrant of the Clerk of the said court; and for all services rendered by him, other than attendance upon the court hereinabove provided for, he shall receive the same costs and fees as are allowed by law for similar services performed and done in the Circuit Courts.

Section 8. That the deputy Solicitor for Elmore County shall prosecute for the State all criminal cases in said court created by this act. The salary of the deputy Solicitor for Elmore County shall be the salary now provided, or which may hereafter be provided, by the general laws of this State for deputy Solicitors in counties where Circuit or County Court is held at more than one place in the County, to be paid out of the general fund of the County, in equal monthly installments on the warrant of the probate judge, which shall be a preferred claim against said general fund.

Section 9. That there shall be a Tallassee Division and a Wetumpka Division of the said court, and the said Tallassee Division shall include and be composed of the following beats or precincts in Elmore County, viz: Precinct 1, precinct 2, precinct 3, precinct 4, precinct 13, and precinct 19; and the said Wetumpka Division shall include and be composed of the following precincts in Elmore County, viz: Precinct 5, precinct 6, precinct 7, precinct 8, precinct 9, precinct 10, precinct 11, precinct 12, precinct 14, precinct 15, precinct 16, precinct 17 and precinct 18. The sessions of the said court of the said Tallassee Division shall be held at some place in the Town of Tallassee or in the police jurisdiction thereof, and the sessions of the said court of the said Wetumpka Division shall be held at the Court House in the Town of Wetumpka. The said court, at the discretion of the Judge, shall be open any day during the week, except Sunday, for the trial of cases coming within the jurisdiction of said court. Provided, further, that on the first Monday of each month there shall be held a session of said court for the handling, trial and disposition of all cases therein pending, in the Wetumpka Division of Elmore County, Alabama, which shall continue as long as necessary to dispose of the docket; and that on the third Monday of each month there shall be held a session of said court for the handling, trial and disposition of all cases therein pending in the Tallassee Division of Elmore County, Alabama, which shall continue as long as necessary to dispose of the docket. But any session of said court in either of said divisions may be dispensed with, and continued by the Judge when, in the opinion and judgment of the Judge, the public good or public necessity requires the continuance of the same. Provided, further, that as to all civil and criminal actions of which the said court shall have jurisdiction the venue of the acts shall be determined as if the two divisions of the county hereinabove provided for, each constituted a separate county, except that after any actions instituted in either division of the court, the Judge of the court shall have the power and authority to order the transfer or removal of any such action to the other division of the court for trial. All suits and actions on contract or in tort except as otherwise provided in this act must be brought in the division in which the defendant or one of them resides or in which the debt was created or cause of action arose.

Section 10. That all prosecutions for misdemeanors may be instituted in said court by making affidavit before the Judge or the clerk of the said court, the writ on said affidavit to be issued by the clerk; and that in all preliminary proceedings in prosecutions for felonies begun in said court, the same may be instituted by affidavit before the Judge or clerk, the writ thereon to be issued by the Judge or the Clerk. And when the defendant is ar-

rested on affidavit and warrant charging a misdemeanor the said case shall go to the docket for trial and be tried as though the defendant had been indicted by a Grand Jury, except as hereinafter provided, provided further, that the defendant shall not be put upon trial in any cause within five days of his arrest, except with his consent. The Judge of said Court shall have the right and authority to issue all processes returnable into his court that are not especially provided to be issued by the clerk of said court, but he shall not prepare any summons and complaints, garnishments, detinue attachments, papers or other right of processes issuing out of said court. All writs must be made returnable to the division of this court in which the alleged crime was committed.

Section 11. That the Clerk of said court may appoint a Deputy or Deputies of said court, who shall hold office at the will of the Clerk and receive such portion of the fees in this act provided for the Clerk as the Clerk of said court may designate. Any such Deputy so appointed by the Clerk shall have the right in the name of the Clerk to file papers and to do all things herein provided to be done by the Clerk except collect and disburse money.

Section 12. That all criminal cases in said court shall be tried by the Judge thereof without a jury, and the accused shall not have the right to demand a trial by jury, but in all trials of criminal cases in said court, the Judge shall determine both the law and the facts without the intervention of a jury, and in cases of conviction the defendant shall have the right to appeal to the Circuit Court as provided for in Section 326 of Title 13 of the Code of 1940, except that appeal bonds shall be approved by the Clerk of the court, and a jury trial may there be had on the demand of the defendant, made at the time of taking the appeal.

Section 13. A party aggrieved or desiring to bring a charge of misdemeanor before this court may, upon applying to the Judge or Clerk for a warrant of arrest and upon making affidavit in writing that he has probable cause for believing and does believe, that an offense (designate the misdemeanor by name, or by some other phrase which in common parlance designates it) has been committed on the person, or property, or as the case may be, of A. B. (naming the person injured, or as the case may be), then the Judge or Clerk of said court shall examine the affiant under oath, and other witnesses if he so desires, touching the offense charged in the affidavit, and if the Judge or Clerk has probable cause for believing that the offense alleged in the affidavit has been committed he shall issue his warrant of arrest as hereinabove provided. When there is an objection to the validity or sufficiency of any affidavit, complaint or warrant pending in this court or when a defect appears in any of same the Solicitor or other person prosecuting for the State, shall have the right to amend any or all the papers to which the objection is directed, or where such defect appears; or the Solicitor may instead of amending the papers, make a brief statement of the cause of complaint signed by him, which may be substantially in the form provided in Section 259 of Title 15 of the Code of 1940, and may be amended as herein provided. Thereupon the court shall proceed to try the case either upon the original papers, or the original as amended, or upon the statement or statements filed by the Solicitor or other person prosecuting for the State.

Section 14. That all proceedings in said court as to judgment for fine and costs, confession of judgment and executions thereon, sentence to jail and/or hard labor for fines and costs, and as additional punishment, bail, conditional judgments, forfeitures, judgments, final and alias warrants of arrest, shall be the same in said Court of Common Pleas of Elmore County as are now, or may hereafter be, provided for by law in the Circuit Courts; and conditional judgments may be set aside therein, reduced or made absolute, and the same orders and judgments may be made and taken in such

matters as could be made or taken in the Circuit Courts, and the same procedure shall be followed, except as otherwise provided by this Act.

Section 15. The trial of all criminal appeals from this court in the Circuit Court shall be de novo, and without any indictment or presentment by the Grand Jury; but the Solicitor shall make a brief statement of the cause of complaint signed by him, in substantially the form prescribed by Section 259 of Title 15 of the Code of 1940 or the trial may proceed upon the original affidavit or complaint; on the trial of such appeal the court shall be governed by the same rules as to evidence, practice, find of the jury and punishment as if the case had originated in that court.

Section 16. That all general laws relating to misdemeanors, now in force or that may hereafter be enacted, shall apply to and extend to this court, unless the contrary be expressly provided or limited by said laws so enacted.

Section 17. That in all civil actions in this court, the pleadings and process at the time for filing pleadings shall conform to and be governed by the statute and rules obtaining in the Circuit Court of Elmore County, Alabama, except the issuance, levy and collection of executions from this Court shall be controlled by the laws now applicable to justice courts of this State.

Section 18. That in all civil matters in this court the trial of the same shall in all respects be governed by the same rule of pleading, evidence, procedure and practice as now prevail or govern in the Circuit Courts of this State except as hereinafter provided. Provided that a party litigent after being served with statutory interrogatories shall be required to answer the same within thirty days, and upon his failure to do so shall be subject to the same pains and penalties as is now provided by law for failure to answer interrogatories propounded in the Circuit Court. And provided, further, that any party desiring to appeal from any judgment rendered in this Court, except from judgments for the possession of real estate, may give security for the cost of the appeal in the form of an appeal bond in an amount to be fixed and approved by the Clerk; provided that if the party appealing desires to have the judgment superseded, when the judgment is for the payment of money or for the recovery or possession of personal property he may do so by giving a supersedeas bond with good and sufficient security or surety in such an amount as herein provided payable to the adverse party and approved by the Clerk with the condition that if he fail in the appeal he will pay such judgment as the Circuit Court may render in the premises and all such cost and damages as any party aggrieved may sustain by reason of the wrongful appeal and suspension of the execution of the judgment, which said appeal bond and security or surety for Court cost and supersedeas bonds must be filed with and approved by the Clerk within ten days from the date of the rendition of said judgment; which said supersedeas bond shall be in an amount double the amount of the judgment and costs of Court, if a judgment for the payment of money; and in an amount double the value of the personal property recovered in the suit and court costs, if a judgment for the recovery of or possession of personal property. Provided further that any party desiring to appeal from any judgment rendered in this Court for the possession of real estate may do so and that said appeal shall be governed in all respects, including time allowed within which to take the appeal, amount and condition of appeal bond and in all other respects, by the general laws of this State relating to appeals in such cases from judgments of justice of the peace courts. Provided further that notice of all appeals in civil cases from this Court shall be given the adverse party in such manner and for such time as is prescribed by the general laws of this State relating to notice of appeals from judgments rendered in justice of the peace courts.

Section 19. That all civil cases in this court shall be tried by the Judge of said court without the intervention of a jury, the Judge shall determine both the law and the facts, and either party shall have the right to appeal to the Circuit Court as hereinabove provided, and on appeal either party may demand a trial by jury on the trial in said Circuit Court, and the trial in said Circuit Court shall be de novo.

Section 20. That final judgments rendered in civil causes in such court shall after the expiration of ten days from their rendition be taken and deemed to have passed beyond the control of the court, as if such term of the court at which said judgments were rendered had ended, provided, however, that nothing herein contained shall prevent the parties from filing a motion to vacate, set aside or modify such judgment or grant a new trial or rehearing within ten days or change or destroy the office of motion for a new trial or rehearing, when so made. Such motions shall be filed with the Clerk of such court and called to the attention of the court, and the court may thereupon hear said motion or make an order continuing such motion for hearing at a future day, which motion shall be heard and determined within thirty days from the date of rendering of said judgment.

Section 21. The Judge of this court shall have the power to impose fines and sentence to hard labor upon convictions in misdemeanor cases, and to punish for contempt by fine not to exceed $50.00, and imprisonment in the County jail not to exceed five days, either or both, the same as Judges of the Circuit Courts of this State.

Section 22. The Judge of said court shall keep an office in the Court House of said County, or in such other suitable place in Elmore County as the Court of County Commissioners may provide; and it shall be the duty of the said Court of County Commissioners to provide such office for said Judge, and to furnish and supply the same with the necessary fixtures, stationery, stamps, telephone, lights, heat, and other necessary supplies for the Judge of this Court, and it shall be the duty of the said Court of County Commissioners and they are hereby directed and authorized to supply the Clerk of the said court the necessary minute books, dockets, blank forms, record books and such other books, records and blank forms as are reasonably necessary to the dispatch of the business of this Court.

Section 23. That the Inferior Court of Elmore County, be and the same is hereby abolished and the County Court of Elmore County be and the same hereby is also abolished.

Section 24. That all cases and causes now pending in the Inferior Court of Elmore County, Alabama, together with the records, pertaining to such pending cases, be and the same are hereby transferred to the Court of Common Pleas of Elmore County, and the said Court of Common Pleas of Elmore County shall immediately upon the passage and approval of this Act or its otherwise becoming a law assume complete jurisdiction over all of such pending cases, and shall have the same power and control over the same as if they had been originally filed in the Court of Common Pleas of Elmore County, and the Clerk of this Court shall enter on the appropriate dockets of this Court all cases now pending in the Inferior Court of Elmore County. And all judgments heretofore rendered by the Inferior Court of Elmore County shall be the same and shall have the same force and effect as if they had been rendered by the Court of Common Pleas of Elmore County, and said Court of Common Pleas of Elmore County shall have the same power and control over same and shall issue executions thereon and all other appropriate processes thereon the same and as fully and completely as if such judgments had been originally rendered in the said Court of Common Pleas of Elmore County; all of such executions and other processes issued

on judgments heretofore rendered by said Inferior Court of Elmore County shall be issued by the Clerk of the Court of Common Pleas of Elmore County.

Section 25. That if, for any reason, any section, clause or provision of this Act shall be declared to be invalid or unconstitutional it shall not be held to affect any other section, clause or provision, but the same shall remain in full force and effect.

Section 26. That all laws and parts of laws, whether local, general or special in so far as they conflict with the provisions of this Act be, and the same are hereby repealed.

Section 27. This Act shall take effect immediately upon its passage and approval by the Governor, or its otherwise becoming law. 22 apr 4t.

THE STATE OF ALABAMA,
ELMORE COUNTY.

Before me the undersigned authority personally appeared H. H. Golson, who by me first being duly sworn deposes and says that he is the Publisher of The Wetumpka Herald, a weekly newspaper published at Wetumpka, in Elmore County, Alabama, and that the attached notice Legal Notice: An Act to create, establish and regulate a Court of record in and for Elmore County, Ala., to be known as and be called "Court of Common Pleas of Elmore County" was published in said newspaper for 4 successive weeks to-wit: April 22, 29 and May 6, 13, 1943, without cost to the state.

H. H. GOLSON, Publisher of,
The Wetumpka Herald.

Sworn to and subscribed before me this the 17th day of May, 1943.

ELAINE PEAVY,
Notary Public.

Also:

By Mr. Harris and Mr. Stewart:

H. 385. For the relief of Ed Taylor and to authorize the Board of Revenue and Control of Morgan County, Alabama, to compensate the said Ed Taylor for damage suffered by him in the death of two mules belonging to him which were killed when they fell through Riggs Bridge, a part of a public road in Morgan County, Alabama, in June, 1940.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that a bill substantially as follows will be introduced at the session of the Legislature of Alabama which convenes in May, 1943, and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

For the relief of Ed Taylor and to authorize the Board of Revenue and Control of Morgan County, Alabama, to compensate the said Ed Taylor for damage suffered by him in the death of two mules belonging to him which were killed when they fell through Riggs Bridge, a part of a public road in Morgan County, Alabama, in June, 1940.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the Board of Revenue and Control of Morgan County, Alabama, be and it is hereby authorized to pass upon, allow and pay the claim of Ed Taylor against said county on account of the damage suffered by him when two of his mules were killed by reason of falling through Riggs Bridge in June, 1940, which was a part of a public road in Morgan County, Alabama.

Section 2. The amount allowed on account of said claim shall not exceed the sum of $200.00.

VERNON L. ST. JOHN,
W. H. STEWART,
NORMAN W. HARRIS.

STATE OF ALABAMA,
MORGAN COUNTY.

Before me, the undersigned authority in and for said County in said State, this day personally appeared D. K. Wiggins, who, being by me first duly sworn, deposes and says that he is publisher of The Hartselle Enquirer, which is and has been during the times herein mentioned, a newspaper of general circulation published in Hartselle, Morgan County, Alabama, and that a certain notice, of which the foregoing and attached notice is a true copy, was published in said newspaper once a week for four successive weeks, appearing in the issues of said newspaper published on the 22nd and 29th days of April, and the 6th and 13th days of May, all in the year 1943, and that said publication was made without cost to the State of Alabama.

D. K. WIGGINS.

Sworn to and subscribed before me, this 14th day of May, 1943.

SIM L. HOWELL,
(Seal) Notary Public.

Also:

By Mr. Harris and Mr. Stewart:

H. 386. For the relief of Tula Fowler, and to authorize the Board of Revenue and control of Morgan County, Alabama, to compensate the said Tula Fowler for damage sustained by her on account of certain of her timber being burned on account of the acts of certain road hands of Morgan County engaged in working the public roads of said county.

With notice and proof hereto attached and herewith exhibited as follows:

Notice is hereby given that a bill substantially as follows will be introduced at the session of the Legislature of Alabama which convenes in May, 1943, and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

For the relief of Tula Fowler, and to authorize the Board of Revenue and control of Morgan County, Alabama, to compensate the said Tula Fowler for damage sustained by her on account of certain of her timber being

burned on account of the acts of certain road hands of Morgan County engaged in working the public roads of said county.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Board of Revenue and Control of Morgan County, Alabama, is hereby authorized to pass upon, allow and pay the claim of Tula Fowler against Morgan County arising out of damage suffered by the said Tula Fowler on account of certain timber on her land being burned, due to the alleged negligence of certain road hands of Morgan County while working the public roads of said county during April, 1939.

Section 2. The amount allowed on account of said claim shall not exceed the sum of $400.00.

VERNON L. ST. JOHN,
W. H. STEWART.
NORMAN W. HARRIS,

STATE OF ALABAMA,
MORGAN COUNTY.

Before me, the undersigned authority in and for said County in said State, this day personally appeared D. K. Wiggins, who, being by me first duly sworn, deposes and says that he is publisher of The Hartselle Enquirer, which is and has been during the times herein mentioned, a newspaper of general circulation published in Hartselle, Morgan County, Alabama, and that a certain notice, of which the foregoing and attached notice is a true copy, was published in said newspaper once a week for four successive weeks, appearing in the issues of said newspaper published on the 22nd and 29th days of April, and the 6th and 13th days of May, all in the year 1943, and that said publication was made without cost to the State of Alabama.

D. K. WIGGINS.

Sworn to and subscribed before me, this 14th day of May, 1943.

SIM L. HOWELL,
Notary Public.

(SEAL)

Also:

H. 387. To amend Section 13 of the Act of the Legislature of Alabama, approved March 9, 1939, by which the Board of Revenue and Control of Morgan County, Alabama, was created, being Act Number 129 of the regular session of the Legislature of Alabama of 1939 (Local Acts, 1939, page 70 et seq.)

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that a bill substantially as follows will be introduced at the session of the Legislature of Alabama which convenes in May, 1943, and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 13 of the Act of the Legislature of Alabama, approved March 9, 1939, by which the Board of Revenue and Control of Morgan County, Alabama, was created, being Act Number 129 of the regular

session of the Legislature of Alabama of 1939 (Local Acts, 1939, page 70 et seq.).

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That Section 13 of the Act of the Legislature of Alabama, approved March 9, 1939, by which the Board of Revenue and Control of Morgan County, Alabama, was created, being Act Number 129 of the regular session of the Legislature of Alabama of 1939, (Local Acts, 1939, page 70 et seq.) be and the same is hereby amended so as to read as follows:

"Section 13. The Chairman of the Board shall perform the duties of auditor and shall keep all books and records herein required as well as the books and records required to be kept by the general laws of this state, as well as such as he may deem advisable, to properly and correctly reflect the business and financial condition of the county. The Chairman is hereby authorized to employ clerical and stenographic assistance to aid him in the performance of his duties and to fix such compensation therefor as shall be approved by the Board. The Chairman shall so soon as practical after the approval of this act purchase for the county a suitable bulletin board upon which to post purchase notices and also such books, records, stationary, blanks and forms as may be necessary or proper for conduct of the business of the county in accordance with the provisions of this act and the reasonable purchase price of the same shall be a claim against the county and shall be paid without regard to the provisions of this act respecting purchases. The Board shall provide for itself and for the Chairman suitable office space in the Courthouse and shall obtain an official seal containing the name of the Board and the words "Official Seal," which shall be kept by the Chairman. The office of the Chairman shall be kept open from eight-thirty o'clock A.M. to four o'clock P.M. on all days except holidays and except Saturdays, and on Saturdays shall be open from eighty-thirty o'clock A. M. until noon, and the Chairman shall devote his entire time to the duties of his office."

Section 2. This Act shall be effective immediately.

VERNON L. ST. JOHN,
W. H. STEWART,
NORMAN W. HARRIS,

STATE OF ALABAMA,
MORGAN COUNTY.

Before me, the undersigned authority in and for said County in said State, this day personally appeared D. K. Wiggins, who, being by me first duly sworn, deposes and says that he is publisher of The Hartselle Enquirer, which is and has been during the times herein mentioned, a newspaper of general circulation published in Hartselle, Morgan County, Alabama, and that a certain notice, of which the foregoing and attached notice is a true copy, was published in said newspaper once a week for four successive weeks, appearing in the issues of said newspaper published on the 22nd and 29th days of April, and the 6th and 13th days of May, all in the year 1943, and that said publication was made without cost to the State of Alabama.

D. K. WIGGINS.

Sworn to and subscribed before me, this 14 day of May, 1943.

SIM L. HOWELL,
Notary Public.

(SEAL)

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severaly read one time and referred to appropriate standing committee as follows:

House bills 388, 383, 374, 385, 386 and 387, to the Committee on Local Legislation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Wood:

H. 271. To amend Sections 54, 90, 92, 103, 111, 127, 159, 174, 197, 309, 333, 361, 432, and 433 of Title 52 of the Code of Alabama of 1940, all of which relate to public education in Alabama:

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee as follows:

H. 271, to the Committee on Education.

RESOLUTIONS

Mr. Carlton offered the following resolution, to-wit:

S. R. 24. Be it resolved that the following bills be made special orders for the next Legislative Day on the call of the Calendar.

H. B. 26.

H. B. 26.

H. B. 45.

S. B. 203.

H. B. 85.

Which was read and referred to the Standing Committee on Rules.

SPECIAL ORDER SET

Mr. Walton moved that the bill:

S. 59. To propose an amendment to the Constitution of Alabama making public education an essential function of State Government, and to order an election for the qualified voters of the State of Alabama upon such proposed amendment to be held at the next general election held after the final adjournment of the present session of the Legislature at which this amendment is proposed and to provide for the manner of holding said election.

Be made a Special, Paramount and Continuing Order of Business on the 24 Day.

Mr. Carlton moved that said motion be laid on the table, and the motion to table, was lost.

Yeas, 4; Nays, 24.

Yeas: Messrs.: Carlton, Cobb, Kilborn and Simpson —4

Nays:

Messrs.:	Garrett	Lawson	St. John (Lawrence)
Benson	Goodwin	Madison	Shaver
Bentley	Henderson	McCary	Sherrer
Black	High	Newton	Smith
Bradford	Hornsby	Pinson	Taylor
Cater	Jones	St. John (Cullman)	Walton
Espy			

The question then recurred on the motion of Mr. Walton to make said bill a Special, Paramount and Continuing Order for the 24th Day, which motion prevailed.

REPORT FROM RULES COMMITTEE

Mr. Carlton, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following Senate resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 24. Setting Special Orders on Call of Calendar for next Day.

And said resolution was then adopted by the Senate.

NOTICE TO AMEND RULES

Mr. Walton gave the following notice:

NOTICE

I hereby give notice that on the next legislative day I will make a motion to modify and/or amend Rule 22 of the Rules of the Senate by providing that any bill on the Senate Calendar may, on motion and by a majority vote of the Senate, be made a special, paramount and continuing order of business of the Senate and without the necessity of having said motion referred to the Rules Committee.

This the 25th day of May, 1943.

Will O. Walton,
Senator, Ninth District.

Which was read and ordered spread upon the Journal.

BILLS ON THIRD READING

The bill:

S. 159. To amend Title 5, Section 82, of the Code of Alabama of 1940, so as to include as exempt from its provisions loans or obligations secured or covered by guaranties, commitments or agreements to take over or purchase the same, made by any Federal Reserve Bank or by the United States, or any Department, Board, Bureau, Commission or agency thereof, or corporation wholly owned directly or indirectly by the United States.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:	Garrett		Shaver	
Benson	Goodwin	Kilborn	Sherrer	
Black	High	Lawson	Simpson	
Carlton	Hill	Madison	Smith	
Cater	Hornsby	Newton	Toomer	
Espy	Jones	Pinson		—22

Nays: —0

The bill:

S. 158. To regulate notice of adverse claim to a bank deposit and to prescribe requirements, including indemnity bond, and the

procedure necessary to make such claim effective or cause recognition of adverse claim; and exempting from application of Act deposits standing in name of person who is a fiduciary for adverse claimant, if that fact and reasonable cause to believe fiduciary is about to misappropriate deposit are made to appear by affidavit of such claimant.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:	Espy	Kilborn	Sherrer	
Benson	Garrett	Lawson	Simpson	
Bentley	Goodwin	Madison	Smith	
Black	High	McCary	Taylor	
Bradford	Hill	Pinson	Toomer	
Carlton	Jones	St. John (Lawrence)	Walton	
Cater		Shaver		—26

Nays: —0

The bill:

H. 58. To amend Sections 380, 381 and 382 of Title 55 of the Code of Alabama of 1940.

Was read a third time at length and passed.

Yeas, 20; Nays, 0.

Yeas:

Messrs.:	Goodwin	Madison	Simpson	
Bentley	Hill	McCary	Smith	
Carlton	Jones	St. John (Cullman)	Taylor	
Cater	Kilborn	St. John (Lawrence)	Toomer	
Espy	Lawson	Shaver	Walton	
Garrett				—20

Nays: —0

The bill:

H. 119. To fix the time of holding the Circuit Court of Russell County, Alabama.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Black	Cater	Garrett
Benson	Bradford	Cobb	Henderson
Bentley	Carlton	Espy	Hill

Hornsby	Madison	St. John (Lawrence)	Smith
Kilborn	Newton	Sherrer	Taylor
Lawson	Pinson	Simpson	Toomer

—23

Nays: —0

The bill:

H. 91. To make it the duty of the Register of the Circuit Court of Mobile County, Alabama, in addition to his other duties, to receive when tendered, all alimony or maintenance that may be awarded by the Circuit Court of Mobile County, Alabama, to disburse, and to keep a separate record of such receipts and disbursements, and to provide extra compensation for such new and additional duty or duties.

Was read a third time at length length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	Hornsby	St. John (Lawrence)
Benson	Cobb	Kilborn	Sherrer
Bentley	Espy	Lawson	Simpson
Black	Garrett	Madison	Smith
Bradford	Henderson	Newton	Taylor
Carlton	Hill	Pinson	Toomer

—23

Nays: —0

The bill:

H. 324. To require the Board of Revenue or like governing body of Cullman County to appropriate annually out of the general fund of the county a sum not less than Six thousand dollars per annum, such sum to be a preferred claim, and payable to the Road and Bridge Commissioner of Cullman County, Alabama, for the construction and maintenance of public roads, bridges, and ferries of Cullman County, Alabama.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	Hornsby	St. John (Cullman)
Benson	Cobb	Kilborn	Sherrer
Bentley	Espy	Lawson	Simpson
Black	Garrett	Madison	Smith
Bradford	Henderson	Newton	Taylor
Carlton	Hill	Pinson	Toomer

—23

Nays: —0

The bill:

H. 325. To authorize the Road and Bridge Commissioner of Cullman County, Alabama, to levy and collect a privilege tax on all persons, corporations, co-partnerships, companies, agencies, associations, and refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naptha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil," "fuel oil," or "crude oil" commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; to authorize said Road and Bridge Commissioner of said county, to provide the necessary rules and regulations and machinery for the collection of said privilege tax; to make provisions for the distribution of the funds derived from said privilege tax; to prohibit any incorporated city or town in said County from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage, such motor fuels, on a quantity basis; to repeal the municipal privilege, excise and or license taxes on gasoline, Woco-Pep, or any other motor fuel, used by self propelled vehicles which may now be collected or levied by any incorporated city or town in said county; to provide for the use of the money derived from said privilege tax and to provide penalties for the violation of such rules and regulations; to repeal all laws and parts of laws, general or special, in conflict with this act and to provide when this Act shall become effective.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	Hornsby	St. John (Cullman)
Benson	Cobb	Kilborn	Sherrer
Bentley	Espy	Lawson	Simpson
Black	Garrett	Madison	Smith
Bradford	Henderson	Newton	Taylor
Carlton	Hill	Pinson	Toomer

—23

Nays: —0

The bill:

H. 326. To authorize the Circuit Clerk of Covington County, Alabama, to employ and to prescribe the duties of a Secretarial assistant; to provide a salary for such assistant; and to provide for the expiration of this Act.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	Hill	St. John (Cullman)
Benson	Cobb	Kilborn	Sherrer
Bentley	Espy	Lawson	Simpson
Black	Garrett	Madison	Smith
Bradford	Goodwin	Newton	Taylor
Carlton	Henderson	Pinson	Toomer

—23

Nays: —0

The bill:

H. 327. To provide for the compensation of attorneys at law appointed to defend indigent persons charged with capital offenses in the Circuit Court of Escambia County, Alabama and that payment of such compensation shall be made by said county.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	Hill	St. John (Cullman)
Benson	Cobb	Kilborn	Sherrer
Bentley	Garrett	Lawson	Simpson
Black	Espy	Madison	Smith
Bradford	Goodwin	Newton	Taylor
Carlton	Henderson	Pinson	Toomer

—23

Nays: —0

The bill:

S. 232. To amend Section 15 of an Act entitled an Act "To establish in Precinct One in Madison County, Alabama, an Inferior Court in lieu of all Justices of the Peace and Notaries Public with the powers of a Justice of the Peace in the said Precinct, to be known as the Inferior Court of Huntsville, to define the jurisdiction and powers of said Court and the Judge thereof." Approved April 4, 1911, as amended by an Act of the Legislature approved March 2, 1931, and as further amended by an Act of the Legislature approved January 8, 1937.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	Hill	St. John (Cullman)
Benson	Cobb	Kilborn	Shaver
Bentley	Espy	Lawson	Simpson
Black	Garrett	Madison	Smith
Bradford	Goodwin	Newton	Taylor
Carlton	Henderson	Pinson	Toomer

—23

Nays: —0

The bill:

H. 314. To provide for the closing of the Offices of Judge of Probate, Tax Assessor, Clerk of Circuit Court, Tax Collector, Register of Circuit Court, Superintendent of Education and Board of Revenue, or other like Governing Body of Dallas County, Ala.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	Hill	St. John (Cullman)
Benson	Cobb	Kilborn	Sherrer
Bentley	Espy	Lawson	Simpson
Black	Garrett	Madison	Smith
Bradford	Goodwin	Newton	Taylor
Carlton	Henderson	Pinson	Toomer

—23

Nays: —0

The bill:

S. 116. To amend Section 115 of Title 41 of the 1940 Code.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Espy	Lawson	Sherrer
Bentley	Goodwin	Madison	Simpson
Bradford	Hornsby	McCary	Smith
Carlton	Jones	Pinson	Taylor
Cater	Kelly	St. John (Lawrence)	Toomer
Cobb	Kilborn	Shaver	Walton

—23

Nays: —0

The bill:

S. 113. To amend Section 187 of Title 5 of the 1940 Code of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:	Goodwin	Lawson	Sherrer	
Bentley	High	Madison	Simpson	
Black	Hill	McCary	Smith	
Bradford	Hornsby	Pinson	Taylor	
Carlton	Jones	St. John (Cullman)	Toomer	
Cater	Kelly	Shaver	Walton	
Espy	Kilborn			—25
Nays:				—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has origintaed and passed the following bill:

By Mr. Sullivan:

H. 87. To provide against want and destitution caused by unemployment resulting from economic emergency in the State of Alabama, through the encouragement of the construction of public works projects by political subdivisions of the State; to provide for the creation and incorporation of the Alabama Emergency Finance Corporation and to define its powers and duties; to authorize the purchase, resale, or exchange by said corporation of public improvement assessment bonds or revenue bonds issued by any body politic of the State of Alabama; to encourage or promote the construction or reconstruction of any public works project by said Alabama Emergency Finance Corporation; to appropriate one million dollars to the Alabama Emergency Finance Corporation to be used for said purposes, and to appropriate twenty-five thousand dollars to pay the costs and expenses of said corporation.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee as follows:

H. 87. To the Committee of Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

By Mr. Madison:

S. 21. To amend Sections 362, 364, 365, 366, 367, 368, 369, and 372, of Title 52 of the Code of Alabama of 1940.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,
Clerk.

BILLS ON THIRD READING RESUMED

The bill:

S. 14. To exempt the gross proceeds of the sale of agricultural publications published in Alabama from computation of the amount of the sales tax levied, assessed, or payable under the laws of Alabama.

Was taken up.

The Standing Committee on Judiciary offered the following amendment to the bill, to-wit:

Amend S. B. 14 by adding in the caption and in line 2 of said bill after the word "publications" the following: "printed and"

Was was adopted.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:	Garrett	Kilborn	St. John (Lawrence)
Bentley	Goodwin	Lawson	Shaver
Black	High	Madison	Sherrer
Bradford	Hill	McCary	Simpson
Carlton	Hornsby	Newton	Smith
Cater	Jones	Pinson	Taylor
Cobb	Kelly	St. John (Cullman)	Walton
Espy			—28

Nays: —0

And the bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 28; Nays, 0.

Yeas:

Bentley	Goodwin	Kilborn	St. John (Lawrence)
Black	Henderson	Lawson	Shaver
Bradford	High	Madison	Sherrer
Cater	Hill	McCary	Simpson
Cobb	Hornsby	Newton	Smith
Espy	Jones	Pinson	Taylor
Garrett	Kelly	St. John (Cullman)	Walton

—28

Nays: —0

The bill:

S. 33. To amend Section 852 of Title 51 of the Code of Alabama 1940 pertaining to the exemption of disabled veterans from the payment of certain licenses.

Was taken up.

The Standing Committee on Judiciary offered the following amendment to the bill, to-wit:

Amend Senate Bill No. 33 by inserting in line 5 thereof after the word "an" and before the word "enlisted" the words "'officer or an"

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:	Espy	Kelly	St. John (Lawrence)
Bentley	Goodwin	Kilborn	Shaver
Black	Henderson	Lawson	Sherrer
Bradford	High	Madison	Simpson
Carlton	Hill	McCary	Taylor
Cater	Hornsby	Pinson	Walton
Cobb	Jones	St. John (Cullman)	

—26

Nays: —0

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:	Cater	High	Kilborn
Bentley	Cobb	Hill	Lawson
Black	Espy	Hornsby	Madison
Bradford	Goodwin	Jones	McCary
Carlton	Henderson	Kelly	Pinson

St. John (Cullman)	Shaver	Smith	Walton	
St. John (Lawrence)	Simpson	Taylor		—26

Nays: —0

The bill:

S. 81. To amend Section 87, Title 36, Code of 1940.

Was taken up.

The Standing Committee on Judiciary offered the following amendment to the bill, to-wit:

Amend S. B. 81 by adding after the words, "so as to read as follows:", the following: "Section 87".

Which was adopted.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:	Espy		St. John (Lawrence)	
Benson	Goodwin	Kilborn	Shaver	
Bentley	Henderson	Lawson	Sherrer	
Black	High	Madison	Simpson	
Bradford	Hill	McCary	Smith	
Carlton	Hornsby	Pinson	Taylor	
Cater	Jones	St. John (Cullman)	Walton	
				—27

Nays: —0

And said bill, as thus amended, was read a third time at length and ordered sent forthwith to the House without engrossment.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:	Goodwin	Kilborn	St. John (Lawrence)	
Benson	Henderson	Lawson	Shaver	
Bentley	High	Madison	Sherrer	
Black	Hill	McCary	Simpson	
Bradford	Hornsby	Newton	Smith	
Cater	Jones	Pinson	Taylor	
Espy	Kelly	St. John (Cullman)	Walton	
				—27

Nays: —0

The bill:

S. 104. To repeal Sections 233 and 234 of Title 13 of the 1940 Code.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 24; Nays, 3.

Yeas:

Messrs.:	Cobb	Hill	Newton
Benson	Espy	Hornsby	Pinson
Bentley	Garrett	Jones	St. John (Cullman)
Black	Goodwin	Kelly	St. John (Lawrence)
Bradford	Henderson	Lawson	Simpson
Carlton	High	Madison	Smith
Cater			—24

Nays: Messrs.: Kilborn, McCary and Walton —3

The bill:

S. 136. To amend Section 3 of Title 30 of Code of 1940.

Was taken up.

The Standing Committee on Judiciary offered the following amendment to the bill, to-wit:

Amend S. B. 136 by adding after the words "plying the waters of this state", the words "passenger bus driver-operators, and driver-operators of motor vehicles hauling freight for hire under the supervision of the Alabama Public Service Commission;" by striking the word "and" between the words "engineers" and "conductors", and adding the words "locomotive firemen"; and by inserting after the words "train dispatchers" the words "bus dispatchers".

Which was adopted.

Yeas, 25; Nay, 1.

Yeas:

Messrs.:	Espy	Kelly	St. John (Lawrence)
Benson	Garrett	Lawson	Shaver
Bentley	Goodwin	Madison	Sherrer
Bradford	High	Newton	Simpson
Carlton	Hill	Pinson	Taylor
Cater	Hornsby	St. John (Cullman)	Walton
Cobb	Jones		—25

Nay: Mr. McCary —1

Mr. Smith offered the following amendment to the bill, to-wit:

To amend S. B. 136 by adding after the word pharmacists the word "optometrist".

Which was adopted.

Yeas, 24; Nay, 1.

Yeas:

Messrs.:	Garrett	Kilborn	St. John (Lawrence)
Bentley	Goodwin	Lawson	Shaver
Black	Henderson	Madison	Simpson
Carlton	Hill	Newton	Smith
Cater	Hornsby	Pinson	Taylor
Cobb	Jones	St. John (Cullman)	Walton
Espy			—24

Nays Mr. McCary —1

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 27; Nay, 1.

Yeas:

Messrs.:	Cobb	Hornsby	St. John (Cullman)
Benson	Espy	Jones	St. John (Lawrence)
Bentley	Garrett	Kelly	Shaver
Black	Goodwin	Kilborn	Sherrer
Bradford	Henderson	Lawson	Simpson
Carlton	High	Madison	Smith
Cater	Hill	Pinson	Walton
			—27

Nays Mr. McCary —1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Johnston of Mobile:

H. 100. To repeal Sections 86, 87, 88 and 89 of Title 38, Code 1940.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House was read one time and referred to appropriate standing committee as follows:

H. 100, to the Committee on Seaports.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills:

S. 56. To appropriate $75,000.00 annually for use by the Alabama Extension Service of the Alabama Polytechnic Institute.

Also:

By Mr. Cobb:

S. 84. To appropriate $97,900.00 annually for use by the Alabama Agricultural Experiment Station System of the Alabama Polytechnic Institute.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills:

S. 183. To Amend the caption and section three (3) of an act entitled "An act to abolish the office of county treasurer of Dallas County, and to require the tax collector and other officers of Dallas County to deposit funds belonging to the county in the City National Bank of Selma and the Selma Savings Bank, to the credit of the county and subject to the order of the court of county revenues," approved Feb. 8th, 1877, so as to make it read as follows:

Also:

S. 184. To authorize The Court of County Revenues of Dallas County, Alabama to pass upon, allow and pay the claim of H. Bennett Pickering for medical services, nurses, drugs, and hospitalization rendered to him on account of injuries by him while performing the duties of deputy sheriff.

Also:

S. 196. To prescribe the salary and the manner of payment of the same, of the Chief Deputy Sheriff for Cullman County, Alabama.

Also:

S. 195. To amend Section Two of an Act approved March 15, 1939, entitled "An Act to allow the sheriff of Cullman County, Alabama, an additional deputy; to provide for his appointment, qualification by giving bond; to hold office at the pleasure of

said Sheriff; to fix his compensation; and to provide for payment thereof out of the general fund of the County; and to provide for the appointment of his successor where such Deputy is removed, dies or resigns."

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,
Clerk.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the eighteenth and twenty-second days and finds same correct and containing all original entries and references thereto required by the Constitution.

Jim Smith, Jr.,
Chairman.

COMMITTEE REPORT

On motion of Mr. Smith, the foregoing report was concurred in and the Journal of the Senate for the eighteenth and twenty-second days approved by the Senate.

ADJOURNMENT

At 12:20 P. M., on motion of Mr. St. John of Cullman, the Senate adjourned until tomorrow, Wednesday, May 26, 1943, at nine o'clock A. M.

TWENTY-THIRD DAY

Wednesday, May 26, 1943.

The Senate met pursuant to adjournment Mr. Simpson, President Pro-Tem, presiding.

PRAYER

The session was opened with Prayer by Rev. D. C. Whitsett, of the St. Marks Methodist Church, Montgomery.

ROLL CALL

Present:

Messrs.:	Dodson	Jones	St. John (Lawrence)
Benson	Espy	Kilborn	Shaver
Bentley	Garrett	Lawson	Sherrer
Black	Goodwin	Madison	Simpson
Bradford	Henderson	McCary	Smith
Carlton	High	Newton	Taylor
Cater	Hill	Pinson	Toomer
Cobb	Hornsby	St. John (Cullman)	Walton

—31

JOURNAL

On motion of Mr. Kilborn, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills and House joint resolutions, your signature thereto is requested:

H. 58. To amend Sections 380, 381 and 382 of Title 55 of the Code of Alabama of 1940.

Also:

H. 91. To make it the duty of the Register of the Circuit Court of Mobile County, Alabama, in addition to his other duties, to receive when tendered, all alimony or maintenance that may be awarded by the Circuit Court of Mobile County, Alabama, to disburse, and to keep a separate record of such receipts and disbursements, and to provide extra compensation for such new and additional duty or duties.

Also:

H. 119. To fix the time of holding the Circuit Court of Russell County, Alabama.

Also:

H. 314. To provide for the closing of the Offices of Judge of Probate, Tax Assessor, Clerk of Circuit Court, Tax Collector, Register of Circuit Court, Superintendent of Education and Board of Revenue, or other like Governing Body of Dallas County, Ala.

Also:

H. 324. To require the Board of Revenue or like governing body of Cullman County to appropriate annually out of the general fund of the county a sum not less than Six thousand dollars per annum, such sum to be a preferred claim, and payable to the Road and Bridge Commissioner of Cullman County, Alabama, for the construction and maintenance of public roads, bridges, and ferries of Cullman County, Alabama.

Also:

H. 325. To authorize the Road and Bridge Commissioner of Cullman County, Alabama, to levy and collect a privilege tax on all persons, corporations, co-partnerships, companies, agencies, associations, and refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naptha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil," "fuel oil," or "crude oil" commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; to authorize said Road and Bridge Commissioner of said county, to provide the necessary rules and regulations and machinery for the collection of said privilege tax; to make provisions for the distribution of the funds derived from said privilege tax; to prohibit any incorporated city or town in said County from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage, such motor fuels, on a quantity basis; to repeal the municipal privilege, excise and or license taxes on gasoline, Woco-Pep, or any other motor fuel. used by self propelled vehicles which may now be collected or levied by any incorporated city or town in said county; to provide for the use of the money derived from said privilege tax and to provide penalties for the violation of such rules and regulations; to repeal all laws and parts of laws, general or special, in conflict with this act and to provide when this Act shall become effective.

Also:

H. 326. To authorize the Circuit Clerk of Covington County, Alabama, to employ and to prescribe the duties of a Secretarial assistant; to provide a salary for such assistant; and to provide for the expiration of this Act.

Also:

H. 327. To provide for the compensation of attorneys at law appointed to defend indigent persons charged with capital offenses in the Circuit Court of Escambia County, Alabama and that payment of such compensation shall be made by said county.

Also:

H. J. R. 22. That House Bill 124, be designated as the Bradford-Cole Bill.

Also:

H. J. R. 23. That S. B. 26, be designated as the Pinson-Gullatt Bill.

R. T. Goodwyn, Jr.,
Clerk.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and House joint resolutions the titles of which are set out in the foregoing message from the House.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Simpson:

S. 254. To provide for the distribution by the State among the several counties of the State of proceeds derived from receipts from National Forests; to provide the purpose for which said proceeds may be used by the respective counties and to provide for the expenditure and the purpose for which expenditures may be made of all moneys now held by any county of this State which it received as proceeds from receipts from National Forests located therein from the State or Federal Government or any Department or agency thereof.

Committee on Forestry and Conservation.

By Mr. Bradford:

S. 225. Relating to employers and employees and their relation to the public and to each other; defining the meaning of words and terms used in the act; requiring reports by labor organizations; granting freedom to join or to refrain from joining labor organizations; making unlawful the interference with the right to work or the interference with the obtaining, use or disposition of materials, equipment or service; regulating the exercise of the right to strike; creating civil liability; prohibiting payment for the privilege of working; prohibiting executive, administrative, professional, or supervisory employees from becoming members in certain labor organizations; prohibiting political contributions by labor organizations; establishing civil and criminal penalties and remedies for the violation of this act; declaring the effect of a conflict with existing laws:

Committee on Judiciary.

By Mr. Garrett:

S. 256. To amend Section 455, Title 2, Code 1940.

Committee on Finance and Taxation.

By Mr. Garrett:

S. 257. To make an appropriation from the General Fund of the State treasury for matching Federal funds for the purpose of indemnifying owners of cattle which have been condemned or slaughtered, after having reacted to the test for tuberculosis, paratuberculosis, or Bangs Disease.

Committee on Finance and Taxation.

By Mr. Smith:

S. 258. To amend Section 198, Title 46, of the 1940 Code of Alabama.

Committee on Public Health.

By Mr. Smith:

S. 259. To amend Section 205, Title 46, of the 1940 Code of Alabama.

Committee on Public Health.

By Mr. Smith:

S. 260. To amend Section 194, Title 46, of the 1940 Code of Alabama.

Committee on Public Health.

By Mr. Smith:

S. 261. To authorize the several counties and municipalities of the State of Alabama to appropriate moneys for the promotion of

the sale of United States War Bonds and stamps, and to limit its expenditures.

Committee on Municipalities and Municipal Organizations.

By Mr. Sherrer:

S. 262. To prohibit the ownership, inheritance, disposition, possession and enjoyment of real and personal property in the State of Alabama by Japanese aliens; to divest all such Japanese aliens of all interest in and rights to real and personal property in this State, and to declare the escheat of the interest of such Japanese aliens to the State of Alabama, to provide that all such real and personal property so escheated to the State of Alabama shall be held and administered by the Department of Revenue of the State of Alabama, which department shall cover the proceeds received from such escheated property into the Special Educational Trust Fund.

Committee on Education.

By Mr. Shaver:

S. 263. To allow the Sheriff of Madison County, Alabama, two additional deputy sheriffs to those now provided by law; to fix the maximum salaries of such deputies and to make the same payable out of the General Fund of Madison County, Alabama, in monthly installments; to fix their tenure of office and provide for their duties; and to provide that the Sheriff of Madison County, Alabama, shall perform the duties required of him by Section 186 of Title 13 and by Section 9 of Title 54 Code of Alabama 1940 without fees, charges or expense to the County.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given of the intention to apply to the Legislature of Alabama during its regular session of 1943, for the passage of an Act in substance as follows:

A BILL
TO BE ENTITLED
AN ACT

To allow the Sheriff of Madison County, Alabama, two additional deputy sheriffs to those now provided by law; to fix the maximum salaries of such deputies and to make the same payable out of the General Fund of Madison County, Alabama, in monthly installments; to fix their tenure of office and provide for their duties; and to provide that the Sheriff of Madison County,

Alabama, shall perform the duties required of him by Section 186 of Title 13 and by Section 9 of Title 54 Code of Alabama 1940 without fees, charges or expense to the County.

Be it Enacted by the Legislature of Alabama:

Section 1. That the Sheriff of Madison County, Alabama, is hereby allowed and hereby authorized to appoint two additional deputy sheriffs to those now provided by law, which said deputies shall serve at the pleasure of the Sheriff of Madison County, Alabama, and whose salaries shall be fixed by the Board of County Commissioners of Madison County, Alabama, or other like governing body, and shall be payable in equal monthly installments out of the General Fund of Madison County, Alabama, provided, however, the salary of each such deputy sheriff shall not exceed $1,200.00 per annum; that said deputies shall be eligible to and shall perform the duties of deputy sheriff anywhere in said County.

Section 2. That so long as either of said deputies provided for herein shall receive compensation from the General Fund of Madison County, Alabama, the Sheriff of Madison County, Alabama, shall perform the duties required of him by Section 186 of Title 13 and by Section 9 of Title 54 of the Code of Alabama 1940 without fees, charges or expense to Madison County, Alabama.

Section 3. That on the first day of each month a statement of the name and amount due each of said deputy sheriffs shall be furnished to the Board of County Commissioners of Madison County, Alabama, or other like governing body, by the Sheriff of said County and it shall thereupon be the duty of said Board to order a warrant drawn upon the General Fund of Madison County, Alabama, payable to each of such deputies for the amount of one month's salary each, in accordance with the provisions hereof.

Section 4. That all laws and parts of laws in conflict with the provisions of this Act are hereby expressly repealed and this Act shall be in full force and effect upon its passage and approval by the Governor. May 3, 10, 17, 24.

STATE OF ALABAMA,
MADISON COUNTY.

Before me, W. P. Nicholson, a notary public in and for said state and county this day personally appeared J. M. Langhorne, who being first duly sworn deposes and says that he is Business Manager of The Huntsville Times, a newspaper of General Circulation in the City of Huntsville, Madison County, Alabama; that the foregoing notice of proposed Bill to be introduced for passage in the Legislature of Alabama was published and printed in said newspaper once a week for four consecutive weeks, as follows:

May 3, 1943; May 10, 1943; May 17, 1943; May 24, 1943.

J. M. LANGHORNE,
Business Manager.

Sworn to and subscribed before me this 24 day of May, 1943.

W. P. NICHOLSON,
(Seal) Notary Public.

My commission expires November 3, 1943

By Mr. McCary:

S. 264. To amend Section 86 of Title 28 of the 1940 Code of Alabama.

Committee on Insurance.

By Mr. Black:

S. 265. To amend Title 30, Sections 20 and 21 of the Code of Alabama of 1940 and repealing all laws in conflict therewith.

Committee on Judiciary.

REPORTS OF COMMITTEES

Mr. Shaver, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, andthe y were severally read a second time and placed on the calendar, to-wit:

By Mr. Henderson:

S. 67. To provide uniform regulations governing the payment of incidental costs incurred in the sale, refunding or exchange of bonds, warrants, revenue obligations or other evidences of indebtedness of the State, Counties, Municipalities, and other agencies and instrumentalities and institutions of the State, the Counties and Municipalities.

By Mr. Ard:

H. 29.To Amend Section 47 of Title 60 of the Code of Alabama of 1940.

By Mr. Locke:

H. 115. To provide an automatic appeal for a convicted felon sentenced to death pursuant to the laws of Alabama; to regulate such appeals and to prescribe the procedure therefor; to define an indigent appellant and to authorize an investigation of the alleged indigency; to provide an indigent appellant with transcriptional service of the court reporter and with legal counsel to prosecute the automatic appeal; and to provide that such service and legal counsel shall be furnished at the expense of the State of Alabama.

By Mr. Kilborn:

S. 87. To amend Section 154 of Title 41 of the 1940 Code of Alabama.

By Mr. Kilborn:

S. 89. To amend Section 86 of Title 55 of the 1940 Code of Alabama.

By Mr. Newton:

S. 192. To amend Section 267 of Title 13, Code of Alabama 1940.

By Mr. Segrest:
H. 71. To amend Section 23 of Title 34 of the Code of Alabama, 1940.

Mr. Lawson, Chairman of the Standing Committee on Banking, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Smyer:
H. 169. To Provide for the Payment of the Expenses of Examining Credit Unions.

Mr. Madison, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Toomer (with amendment):
S. 179. To amend Section 480 of the Code of Alabama of 1940.

By Mr. St. John (Lawrence) (with amendment):
S. 145. To abolish all matriculation and incidental fees in all accredited high schools of the State, except a reasonable fee for library, laboratory, shop work, or commercial course.

By Mr. Dodson:
H. 311: To provide that in counties in which the county superintendent of education is elected by popular vote, that the successful candidate shall take office on the July 1 following the date of his election.

By Mr. Molette:
H. 285. To provide for the examination and auditing of the records and accounts of city boards of education upon the request of such boards by the division of examiners of public accounts of the State of Alabama, and to provide for the payment of the cost of such examination and audit by the State of Alabama.

By Mr. McCurdy:
H. 287. To authorize county and city boards of education to invest the unused proceeds of any warrants sold under the provisions of Article 4 of Title 52 of the Code of Alabama of 1940 in securities issued by the Government of the United States of Ameri-

ca until such time as such proceeds can be used for the purposes for which the warrants were issued.

Mr. Cobb, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Dobbs and Golson (Elmore) (with notice and proof):

H. 374. To create, establish and regulate a Court of record in and for Elmore County, Alabama, to be known as and be called "Court of Common Pleas of Elmore County"; to provide and define the criminal and civil jurisdiction of said Court, and the terms thereof; to provide for the Judge and other officers of said Court, their powers, duties and compensation; to fix the term of office for such Judge, the manner and time of his selection and election; to provide for his successor in case of a vacancy; to fix the fees and costs in said Court; to provide for the creation of two divisions of said Court to be known and called "The Tallassee Division" and "The Wetumpka Division"; to provide for the holding of terms and sessions thereof of said divisions; to provide for the method and manner of instituting civil and criminal proceedings therein, and the procedure therein; to provide for the rules of procedure for said Court and the operation thereof; to provide for and regulate appeals from said Court; to provide for the registration of Judgments rendered in and by said Court, and the effect thereof, and liens of its judgments, and the issuance of process thereon; to provide and designate the time and place at which each session of said Court in each division thereof shall be held; to provide for an office of the Judge of said Court; to provide for the necessary office fixtures, stationery, stamps, telephone, lights, heat, and other necessary supplies for the Judge of this Court; to provide for the necessary office supplies for the Clerk of this Court; to provide for official bond of the Clerk of said Court and the payment of the premium thereon; to abolish the Inferior Court of Elmore County and the County Court of Elmore County; to provide for the transfer of all cases now pending in the Inferior Court of Elmore County together with the record of such pending cases to the Court of Common Pleas of Elmore County and to authorize the issuance of process on, and control over the Judgments rendered by the said Inferior Court of Elmore County before the abolition thereof; to repeal all laws and parts of laws in conflict herewith.

By Messrs. Harris and Stewart (with notice and proof):

H. 387. To amend Section 13 of the Act of the Legislature of Alabama, approved March 9, 1939, by which the Board of Revenue

and Control of Morgan County, Alabama, was created, being Act Number 129 of the regular session of the Legislature of Alabama of 1939 (Local Acts, 1939, page 70 et seq.).

By Messrs. Harris and Stewart (with notice and proof):

H. 385. For the relief of Ed Taylor and to authorize the Board of Revenue and Control of Morgan County, Alabama, to compensate the said Ed Taylor for damage suffered by him in the death of two mules belonging to him which were killed when they fell through Riggs Bridge, a part of a public road in Morgan County, Alabama, in June, 1940.

By Messrs. Harris and Stewart (with notice and proof):

H. 386. For the relief of Tula Fowler, and to authorize the Board of Revenue and Control of Morgan County, Alabama, to compensate the said Tula Fowler for damage sustained by her on account of certain of her timber being burned on account of the acts of the certain road hands of Morgan County engaged in working the public roads of said county.

ORDER TO PRINT

On motion of Mr. Kilborn, 250 copies of the bill:

S. 255, were ordered printed for the use of the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. White:

H. 192. To amend Section 187 of Title of the 1940 Code of Alabama.

Also

By Mr. Smyer:

H. 61.To provide an optional method to income tax payers for returning as income, increases in redemption value of securties purchased at a discount.

Also:

By Mr. Hodo:

H. 146. To authorize the deposit with the State Treasurer or other State agency of investment share accounts or similar securities issued by any savings and loan association chartered by the State of Alabama or by the United States Government and doing

business in the State of Alabama investments in which are guaranteed as to principal by the United States Government or insured as to principal by any instrumentality or agency thereof, by any person, firm, corporation, association or other legal entity required or authorized under the laws of the State of Alabama to deposit securities with the State Treasurer or other State agency, provided the amount deposited shall not exceed the amount so insured.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees as follows:

H. 192 and H. 146, to the Committee on Banking.

H. 61, to the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Smyer:

H. 147. To amend Section 73 of Title 34 of Code of Alabama of 1940.

Also

By Mr. Norman of Bullock and Mr. Hodo:

H. 328. To make an appropriation to the University of Alabama for the encouragement, development, and maintenance of research work, and for the further development and support of the University's extension program.

Also

By Mr. Gwin:

H. 248. To Amend Section 151 of Chapter 8 of Title 52 of the Code of Alabama of 1940.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to apropriate standing committees as follows:

H. 147, to the Committee on Judiciary.

H. 328, to the Committee on Finance and Taxation.

H. 248, to the Committee on Local Legislation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Smyer:

H. 247. To fix the compensation or salary of the Tax Assessor of Jefferson County, Alabama, and to regulate the payment thereof.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that the following bill will be introduced at the 1943 session of the Legislature of Alabama:

AN ACT

To fix the compensation or salary of the Tax Assessor of Jefferson County, Alabama, and to regulate the payment thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Tax Assessor of Jefferson County, Alabama, shall receive a salary of Six Thousand ($6,000) Dollars per annum, which said salary shall be paid out of the County Treasury of said County in equal monthly installments and shall be in lieu of all other compensation, fees or emoluments.

Section 2. That all laws, general, local or special, in conflict with this act be and the same are hereby repealed.

Section 3. That this act shall go into effect upon its approval by the Governor.

The Call—Apr. 3-10-17-24, 1943.

STATE OF ALABAMA,
Jefferson County

Personally appeared before me, the undersigned authority, Geo. M. Howle, who first being duly sworn by me, deposes and says on oath that he

is the Editor for The Weekly Call, a weekly newspaper published in said State and County, and that the notice, a true copy of which is hereto attached, was published in The Weekly Call, once a week for 4 consecutive weeks, commencing on the 3 day of April, 1943. GEO. M. HOWLE.

Subscribed and sworn to before me on this the 28th day of April, 1943.
(Seal) MOLLIE DAFFIN, Notary Public.

Also

By Mr. Elrod:

H. 417. To allow the Sheriff of Blount County, Alabama an additional Deputy Sheriff to that now provided by law; to fix the salary of said Deputy and to make the same payable out of the general funds of Blount County in monthly installments.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

STATE OF ALABAMA,
BLOUNT COUNTY.

Notice is hereby given that the following bill will be introduced and passed at the 1943 Session of the Legislature of Alabama:

A Bill to be entitled an act to allow the Sheriff of Blount County, Alabama an additional Deputy Sheriff to that now provided by law; to fix the salary of said Deputy and to make the same payable out of the general funds of Blount County in monthly installments.

Be it enacted by the Legislature of Alabama:

Section 1. That the sheriff of Blount County is hereby allowed an additional deputy to the deputy or deputies now provided by law, which said deputy shall receive a salary of twelve hundred dollars per annum to be paid in twelve equal monthly installments out of the general funds of said county; that said deputy shall be eligible to perform the duties of deputy sheriff anywhere in said county.

Section 2. That on the first of each month a statement of the name and amount due said deputy sheriff shall be furnished to the Court of County Commissioners by the sheriff and it shall thereupon be the duty of the Court of County Commissioners or other governing bodies to order a warrant drawn on the general funds of the county payable to said deputy sheriff for the amount of one month salary as hereinabove provided.

Section 3. That all laws and parts of laws in conflict with this Act are hereby expressly repealed, and this act shall be in full force and effect from the date of its approval by the governor.

A15-4t

STATE OF ALABAMA,
BLOUNT COUNTY.

Personally appeared before the undersigned authority, Rice M. Howard, who, being duly sworn, deposes and says that he is the publisher of The Southern Democrat, a newspaper published in Oneonta, Ala., and that the attached notice of Local Legislation was published for 4 consecutive weeks

in said newspaper, commencing on the 15th day of April, 1943, and ending on the 6th day of May, 1943.

RICE M. HOWARD,
Publisher.

Sworn to and subscribed before me this 17th day of May, 1943.

R. M. BANNISTER,
Clerk Circuit Court.

Also

By Mr. Elrod:

H. 416. To prescribe the salary and the manner of payment of the same, of the Jailer of Blount County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

STATE OF ALABAMA,
BLOUNT COUNTY.

Notice is hereby given that the following bill will be introduced and passed at the 1943 Session of the Legislature of Alabama:

A bill to be entitled an act to prescribed the salary and the manner of payment of the same, of the Jailer of Blount County, Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That the salary of the Jailer of Blount County, Alabama, shall be in the sum of Twelve hundred dollars per annum, same to be paid in equal monthly installments out of the general funds of said county, upon the warrant of the Court of County Commissioners or other governing body of said county.

Section 2. That all laws or parts of laws in conflict herewith are hereby expressly repealed, and this act shall be of force and effect from and after its approval by the Governor.

A15-4t

STATE OF ALABAMA,
BLOUNT COUNTY.

Personally appeared before the undersigned authority, Rice M. Howard, who, being duly sworn, deposes and says that he is the publisher of The Southern Democrat, a newspaper published in Oneonta, Ala., and that the attached notice of Local Legislation was published for 4 consecutive weeks in said newspaper, commencing on the 15th day of April, 1943, and ending on the 6th day of May, 1943.

RICE M. HOWARD,
Publisher.

Sworn to and subscribed before me this 17th day of May, 1943.

R. M. BANNISTER,
Clerk Circuit Court.

Also
By Mr. Elrod:

H. 414. To regulate the fine and forfeiture fund of Blount County, and provide for the registration and payment of claims against said fund.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

STATE OF ALABAMA,
BLOUNT COUNTY.

Notice is hereby given that the following bill will be introduced and passed at the 1943 Session of the Legislature of Alabama:

A bill to be entitled an act to regulate the fine and forfeiture fund of Blount County, and provide for the registration and payment of claims against said funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That it shall be the duty of the court of county commissioners of Blount County, within ten days after the passage of this act, to give notice by advertisement in some newspaper published in the town of Oneonta, and by posting notice at the court house door of said county for thirty days, notifying all persons holding claims, whether registered or unregistered against the fine and forfeiture fund of said county, to register the same with the court of county commissioners on or before the first Monday in October, 1943, and if not so registered, said claims shall be forever barred.

Section 2. All fines and forfeitures collected, the hire of county convicts, all moneys received from the State, or collected by the clerks of the Circuit and county courts or other officer, on account of witness fees and solicitor's fees collected in all cases tried in the circuit court shall be paid into and constitute the fine and forfeiture fund of said county.

Section 3. It shall be the duty of the court of county commissioners to record in a well bound book, all claims presented for registration, showing in each case the name of the owner of such claim, the date and amount of same. Such book shall be a public record, and shall be preserved by the court of county commissioners of said county.

Section 4. It shall be the duty of the court of county commissioners of said county on the first Monday in October and the first Monday in April, of each year to ascertain the total amount paid out of the general fund of said county after the passage of this act, on account of witness fees, and officers fees, and order a warrant drawn on the fine and forfeiture fund for the amount so paid out, and the court shall place same to the credit of the general fund of said county. The surplus remaining in the fine and forfeiture fund shall be applied to the payment of registered claims against said fund.

Section 5. That it shall be the duty of the court of county commissioners of said county on the first Monday in November and May of each year, if there are funds in said fine and forfeiture fund, to advertise for three weeks previously at courthouse of said county, notifying all persons holding registered claims against said fund that bids will be received until and on such Monday until 12 o'clock for the same, and shall state in said

advertisement the amount of the fund on hand as provided by section four of this act, and the amount of registered claims against the fund outstanding and unpaid. The money shall be awarded to the bidders who propose to accept payment in full of their claims against said fund at the highest rate of discount, and should there be two or more bidders at the same rate of discount, and the funds be insufficient to pay all of them, the money shall be awarded to such claims in the order of their registration, beginning with the oldest. When the biddings are closed, and the money awarded, the said court shall issue warrants upon said fund to the persons entitled thereto, upon receipt and surrender of their claims, or a proper voucher if the claim is not paid in full.

Section 6. That after the passage of this act, all fines, forfeitures, hire of convict labor, or anything pertaining to said fine and forfeiture fund shall be paid only in lawful currency of the United States, and in nothing else, and all moneys which accrues of said fund in said county, and which may be collected by any Sheriff, clerk, judge of probate, justice of the peace, notary public, constable, coroner, or other officer, shall be paid into the general fund of said county, and any officer who collects any such moneys and wilfully fails for more than thirty days to pay the same in to the general fund of said county, shall be guilty of a misdemeanor.

Section 7. After all claims registered under the provisions of this act are paid in full, compromised, or settled, the fine and forfeiture fund of said county shall be abolished and merged into the general fund.

Section 8. That in all criminal cases, disposed of after the passage and approval of this act, and in all criminal cases in which execution has been returned, "No Property Found," where the fees have not been paid, and in all such cases after the passage of this Act, witnesses before the grand juries, and State witnesses in all criminal cases and fees of the sheriff of Blount County, the Clerk of the Circuit Court, and the County Court in and for said county, in criminal cases where the State failed, or fails to convict, or in which defendants have been convicted, and have been proved insolvent by the return of execution, "No Property Found," or in cases in which the State enters a Nolle Prosequi, or where the indictment has been withdrawn and filed, or the prosecution abated by the death of the defendant, shall be paid out of the general fund of said county, as hereinafter provided. And in all such cases disposed of in the Inferior Court of Blount County, Alabama, the fees of the Judge of the Inferior Court, and the Sheriff of Blount County shall be paid in like manner as the fees of the Clerk of the Circuit Court, and the Sheriff of Blount County, are paid in cases disposed of in the Circuit and County Courts of said county, provided that the witness fees shall be seventy-five cents per day and two and one-half cents per mile under the provisions of this Act.

Section 9. That it shall be the duty of the clerk of the court of county commissioners of said county, on presentation of certificates issued, after the passage of this act, to witnesses before grand juries and State witnesses in all criminal cases, as required by law, to draw his warrant on the county depository or other custodian of the general funds of said county, for the amount of such certificates. And it shall be the duty of the county depository or other custodian of the general fund of said county, to pay the same out of the general fund of said county.

Section 10. That after the adjournment of the County Court and Circuit Court of Blount County, the sheriff and the clerk of said courts shall file with the Court of County Commissioners of said county, a statement of all cases finally disposed of, where the State fails to convict, or in which defendants have been convicted and have been proved insolvent by the return of execution "No Property Found" and in cases in which the

State enters a Nolle Prosequi, or where the indictment has been withdrawn and filed, or the prosecution abated by the death of the defendant, showing the items of cost due them, the name of the defendant and the charges against them. Provided that in cases disposed of in the Inferior Court of Blount County, Alabama, such statement shall be filed by the Judge of said court, and the Sheriff of Blount County, on the first day of each month after the passage of this act. Said statement shall be sworn to by the officer making same. If the court finds the account correct they shall order a warrant drawn on the county depository or other custodian of the general funds of said county, for the amount of such account. And it shall be the duty of the county depository or other custodian of the general funds of said county to pay the same out of the general funds of said county.

Section 11. The court of county commissioners shall keep a separate warrant record book, in which shall be entered all warrants drawn on the county depository or other custodian of the general funds of said county under the provisions of this act.

Section 12. For the purpose of ascertaining the amount of witness fees of the sheriff and clerks, justly due by the county, the judge of the circuit court of Blount County, and of the county court in and for said county shall have the power and authority upon motion made in term time, to retax the cost in all cases.

Section 13. All amounts paid out by the county under the provisions of this Act, shall be prior claims against the fine and forfeiture fund of said county.

Section 14. All laws or parts of laws, general, special, or local in conflict with the provisions of this act, be and the same are hereby repealed. A22-4t

THE STATE OF ALBAMA,
BLOUNT COUNTY.

Personally appeared before the undersigned authority, Rice M. Howard, who, being duly sworn, deposes and says that he is the publisher of The Southern Democrat, a newspaper published in Oneonta, Ala., and that the attached notice of Local Legislation was published for 4 consecutive weeks in said newspaper, commencing on the 22 day of April, 1943, and ending on the 13 day of May, 1943.

RICE M. HOWARD,
Publisher.

Sworn to and subscribed before me this 17th day of May, 1943.

R. M. BANNISTER,
Clerk Circuit Court.

Also:

By Mr. Elrod:

H. 415. To prescribe the salary and the manner of payment of the same, of the Chief Deputy Sheriff for Blount County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

STATE OF ALABAMA,
BLOUNT COUNTY.

Notice is hereby given that the following bill will be introduced and passed at the 1943 Session of the Legislature of Alabama:

A bill to be entitled an act to prescribed the salary and the manner of payment of the same, of the Chief Deputy, Sheriff for Blount County, Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. The salary of the chief deputy sheriff of Blount County, Alabama, shall be in the sum of Fifteen hundred dollars per annum, the same to be paid in equal monthly installments out of the general funds of said county, upon the warrant of the Court of County Commissioners or other governing body of said county.

Section 2. That all laws and parts of laws in conflict herewith are hereby expressly repealed, and this act shall be of force and effect from and after its approval by the Governor.

A15-4t.

STATE OF ALABAMA,
BLOUNT COUNTY.

Personally appeared before the undersigned authority, Rice M. Howard, who, being duly sworn, deposes and says that he is the publisher of The Southern Democrat, a newspaper published in Oneonta, Ala., and that the attached notice of Local Legislation was published for 4 consecutive weeks in said newspaper, commencing on the 15 day of April, 1943, and ending on the 6 day of May, 1943.

RICE M. HOWARD,
Publisher.

Sworn to and subscribed before me this 17th day of May, 1943.

R. M. BANNISTER,
Clerk Circuit Court.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committee as follows:

House bills 247, 417, 416, 414 and 415, to the Committee on Local Legislation.

RESOLUTION

Mr. Simpson offered the following Senate resolution, to-wit:

S. R. 25. Be it resolved by the Senate that it do now resolve itself into a committee of the whole to consider House Bills Nos.

26 and 45 now pending on the Calendar of the Senate and that Senator Charles Shaver preside as Chairman of said Committee of the Whole.

And on motion of Mr. Simpson, the rules were suspended and the resolution adopted.

COMMITTEE OF THE WHOLE

In accordance with Senate resolution 25, just adopted by the Senate, the Senate resolved itself into a Committee of the Whole to consider House bills 26 and 45, Senator Shaver presiding.

The purposes of the Committee of the Whole having been accomplished, on motion of Mr. Simpson, the Committee of the Whole dissolved itself and resolved itself into a session of the Senate of Alabama.

REPORT OF COMMITTEE OF THE WHOLE

Mr. Shaver, Chairman of the Committee of the Whole, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, to-wit:

H. 26. To make appropriations for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the State, for the interest on the public debt, and for the public schools.

H. 45 To make annual appropriations for the support, maintenance, and development of public education in Alabama for each of the fiscal years ending September 30, 1944, and September 30, 1945, including all schools, agencies, services, and institutions under the general or direct control or subject to the rules and regulations of the State Board of Education, the Board of Trustees of Alabama College, the Board of Trustees of the Alabama Polytechnic Institute, the Board of Trustees of the University of Alabama.

RESOLUTIONS

Mr. Walton offered the following Senate joint resolution, to-wit:

S.J.R. 26. BE IT RESOLVED by the Senate of Alabama, the House of Representatives concurring, that House Bill No. 85, relating to the formation and establishment of a State Defense Council, and which has passed both Houses of the Legislature of

Alabama, be and the same is hereby designated as the Sullivan Bill.

BE IT FURTHER RESOLVED that a copy of this resolution be by the Secretary of the Senate filed with the Secretary of State and that the Secretary of State be authorized and empowered and instructed to show on the journal that this Bill has been designated by the Legislature of Alabama as the Sullivan Bill.

And on motion of Mr. Kilborn, the rules were suspended and the resolution adopted.

The Rules Committee offered the following Senate Resolution, to-wit:

S. R. 27. Be it resolved that House Bill No. 25 be made a Special Paramount and continuing order of business on the call of the calendar on the 24th Legislative day, May 27, 1943.

Which was adopted.

NOTICE TO AMEND RULES POSTPONED TO NEXT DAY

On motion of Mr. Walton the Senate postponed notice to amend Rule 22 of the rules of the Senate, which notice was given on the 22nd Day, May 25, 1943.

RESOLUTION

The Rules Committee offered the following Senate resolution, to-wit:

S. R. 28. Be it resolved by the Senate that Senate bills Nos. 123 and 125 be made special order on the next legislative day on the call of the calendar.

Which was adopted.

CONSIDERATION OF SPECIAL ORDERS

The bill:

S. 203. To amend Section 68 of Title 35 of the Code of Alabama of 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:	Espy	Kilborn	Shaver	
Bensor.	Garrett	Lawson	Sherrer	
Bentley	Goodwin	Madison	Simpson	
Black	Henderson	McCary	Smith	
Carlton	High	Pinson	Taylor	
Cater	Hill	St. John (Cullman)	Toomer	
Cobb	Hornsby	St. John (Lawrence)	Walton	
Dodson	Jones			—29

Nays: —0

The bill:

H. 26. To make appropriations for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the State, for the interest on the public debt, and for the public schools.

Was read a third time at length and passed.

Yeas, 30; Nays, 0.

Yeas:

Messrs.:	Dodson	Jones	Sherrer	
Benson	Espy	Kilborn	Sherrer	
Bentley	Garrett	Lawson	Simpson	
Black	Goodwin	Madison	Smith	
Bradford	Henderson	McCary	Taylor	
Carlton	High	Pinson	Toomer	
Cater	Hill	St. John (Cullman)	Walton	
Cobb	Hornsby	St. John (Lawrence)		—30

Nays: —0

The bill:

H. 45. To make annual appropriations for the support, maintenance, and development of public education in Alabama for each of the fiscal years ending September 30, 1944, and September 30, 1945, including all schools, agencies, services and institutions under the general or direct control or subject to the rules and regulations of the State Board of Education, the Board of Trustees of Alabama College, the Board of Trustees of the Alabama Polytechnic Institute, the Board of Trustees of the University of Alabama.

Was read a third time at length and passed.

Yeas, 30; Nays, 0.

Yeas:

Messrs.:	Bradford	Dodson	Henderson
Benson	Carlton	Espy	High
Bentley	Cater	Garrett	Hill
Black	Cobb	Goodwin	Hornsby

Jones	McCary	Shaver	Taylor	
Kilborn	Pinson	Sherrer	Toomer	
Lawson	St. John (Cullman)	Simpson	Walton	
Madison	St. John (Lawrence)	Smith		—30
Nays:				—0

The bill:

H. 85. To create and establish a State Defense Council; to provide for its organization and to define its powers and duties; to create the office of State Director of Civilian Defense; to fix his compensation and to define his powers and duties; to provide for the creation and establishment of local defense councils; to provide for their organization and to define their powers and duties; to provide for the appointment of local directors of civilian defense and to define their powers and duties and provide for their method of compensation; to authorize and empower reciprocal aid agreements between the political sub-divisions of the State relating to services, supplies, and facilities in aid of civilian defense; to provide for the utilization of existing services and facilities of the State and political sub-divisions of the State in aid of civilian defense; to provide for the coordination of the State and local defense councils with the Federal government and the armed forces of the United States; to provide the method whereby the rules and regulations made pursuant to this act become effective; to provide for the immunity from liability of the State, its representatives, and employees, and any political sub-divisions, its representatives and employees, and any civilian defense worker complying with the provisions of this act; to provide for appropriations to carry out the provisions of this act; to provide penalties for the violation of this act and of the rules adopted pursuant thereto; to repeal all laws and parts of laws in conflict with the provisions of this act; and to provide when this act shall take effect and when it shall terminate.

Was taken up.

The Standing Committee on Judiciary offered the following amendment to the bill, to-wit:

Amend Subsection "g" of Section 5 by striking the words "require and direct" and by substituting in lieu thereof the words "provide for".

Amend Subsection (a) of Section 7 by striking the words "any two members of the City commission" and by substituting therefor the words "the chief Executive officer and one member of the city council or like governing body".

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:	Espy	Lawson	Sherrer	
Benson	Goodwin	Madison	Simpson	
Bentley	Henderson	McCary	Smith	
Bradford	High	Pinson	Taylor	
Carlton	Hornsby	St. John (Cullman)	Toomer	
Cater	Jones	St. John (Lawrence)	Walton	
Dodson	Kilborn	Shaver		—26

Nays: —0

Mr. Kilborn offered the following amendment to the bill, to-wit:

Amend H. B. 85 by adding at the end of Section 13 the following: "provided however that neither the State Council nor any local Council shall have authority to enact any order, rule or regulation in conflict with the duly enacted laws of this State or any lawful ordinance of any municipal corporation affected by such order, rule or regulation."

Which was adopted.

Yeas, 30; Nays, 0.

Yeas:

Messrs.:	Dodson	Jones	Shaver	
Benson	Espy	Kilborn	Sherrer	
Bentley	Garrett	Lawson	Simpson	
Black	Goodwin	Madison	Smith	
Bradford	Henderson	McCary	Taylor	
Carlton	High	Pinson	Toomer	
Cater	Hill	St. John (Cullman)	Walton	
Cobb	Hornsby	St. John (Lawrence)		—30

Nays: —0

Mr. Kilborn offered the following amendment to the bill, to-wit:

Amend H. B. #85 by striking therefrom sub-section (a) of Section 5.

And on motion of Mr. Taylor, said amendment was laid on the table.

Yeas, 27; Nays, 2.

Yeas:

Messrs.:	Bradford	Espy	High
Benson	Carlton	Garrett	Hill
Bentley	Cater	Goodwin	Hornsby
Black	Dodson	Henderson	Jones

Lawson	St. John (Cullman)	Sherrer	Taylor
Madison	St. John (Lawrence)	Simpson	Toomer
Pinson	Shaver	Smith	Walton

—27

Nays: Messrs.: Cobb and Kilborn —2

Mr. Kilborn also offered the following amendment, to-wit:

Amend H. B. 85 in the printed copy thereof by striking from lines 10 and 11 on page 5 the words "with respect to any matters deemed by the Council essential to the war effort and"

And on motion of Mr. St. John (Lawrence) the amendment was laid on the table.

Yeas, 23; Nays, 5.

Yeas:

Messrs.:	Dodson	Hornsby	Shaver
Benson	Espy	Lawson	Sherrer
Bentley	Garrett	Madison	Simpson
Black	Goodwin	Pinson	Taylor
Bradford	High	St. John (Cullman)	Toomer
Cater	Hill	St. John (Lawrence)	Walton

—23

Nays: Messrs.: Cobb, Henderson, Jones, Kilborn and McCary —5

Mr. Kilborn moved that the Senate do now adjourn, which motion was lost.

Yeas, 2; Nays, 26.

Yeas: Messrs. Kilborn and Toomer —2

Nays:

Messrs.:	Dodson	Hornsby	St. John (Lawrence)
Benson	Espy	Jones	Shaver
Bentley	Garrett	Lawson	Sherrer
Black	Goodwin	Madison	Simpson
Bradford	Henderson	McCary	Taylor
Carlton	High	Pinson	Walton
Cater	Hill	St. John (Cullman)	

—26

Mr. Kilborn also offered the following amendment to the bill, to-wit:

Amend H. B. 85 by striking therefrom subsection J of Section 8.

And on motion of Mr. Sherrer, said amendment was laid on the table.

Yeas, 23; Nays, 2.

Yeas:

Messrs.:	Dodson	Hill	St. John (Lawrence)
Benson	Espy	Hornsby	Shaver
Bentley	Garrett	Jones	Sherrer
Bradford	Goodwin	Lawson	Simpson
Carlton	Henderson	Pinson	Taylor
Cater	High	St. John (Cullman)	Walton

—23

Nays: Messrs. Kilborn and McCary —2

Mr. McCary offered the following amendment to the bill, to-wit:

To amend Section 13 of House Bill 85 by adding the following at the end of said section.

Provided, however, that no rules, order or regulation of such council shall have the effect of law until the Governor has proclaimed a state of emergency in such political sub-division and such rule, order or regulation shall have been published one time in a newspaper published in such political sub-division.

And on motion of Mr. Walton, said amendment, was laid on the table.

And said bill, as thus amended, was then read a third time at length and passed.

Yeas, 29; Nays, 1.

Yeas:

Messrs.:	Espy	Kilborn	St. John (Lawrence)
Benson	Garrett	Lawson	Shaver
Bentley	Goodwin	Madison	Sherrer
Black	Henderson	McCary	Simpson
Bradford	High	Newton	Taylor
Carlton	Hill	Pinson	Toomer
Cater	Hornsby	St. John (Cullman)	Walton
Dodson	Jones		

—29

Nay: Mr. Cobb —1

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 21. To amend Sections 362, 364, 365, 366, 367, 368, 369, and 372, of Title 52 of the Code of Alabama of 1940.

S. 56. To appropriate $75,000.00 annually for use by the Alabama Extension Service of Alabama Polytechnic Institute.

S. 84. To appropriate $97,900.00 annually for use by the Alabama Agricultural Experiment Station System of the Alabama Polytechnic Institute.

S. 183. To Amend the caption and section three (3) of an act entitled "An Act to abolish the office of county treasurer of Dallas County and to require the tax collector and other officers of Dallas County to deposit funds belonging to the county in the City National Bank of Selma and the Selma Savings Bank, to the credit of the county and subject to the order of the court of county revenues," approved Feb. 8th, 1877, so as to maek it read as follows:

S. 184. To authorize The Court of County Revenues of Dallas County, Alabama to pass upon, allow and pay the claim of H. Bennett Pickering for medical services, nurses, drugs, and hospitalization rendered to him on account of injuries received by him while performing the duties of deputy sheriff.

S. 195. To amend Section Two of an Act approved March 15, 1939, entitled "An Act to allow the Sheriff of Cullman County, Alabama, an additional deputy; to provide for his appointment, qualification by giving bond; to hold office at the pleasure of said Sheriff; to fix his compensation; and to provide for payment thereof out of the general fund of the County; and to provide for the appointment of his successor where such Deputy is removed, dies or resigns."

S. 196. To prescribe the salary and the manner of payment of the same, of the Chief Deputy Sheriff for Cullman County, Alabama.

Sam High,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensd with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

REPORT OF COMMITTEE ON ENGROSSED BILLS

Mr. President:

Your Standing Committee on Engrossed Bills begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill, and finds same correctly engrossed, to-wit:

S. 136. To amend Section 3 of Title 30 of Code of 1940.

Orlan B. Hill,
Chairman.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Johnston of Mobile.

H. 153. To amend Section 71, Title 36, Code 1940.

Also:

By Mr. Rains:

H. 141. To amend Section 462 of Title 37 of the 1940 Code of Alabama, so as to provide for the manner of publication of building code ordinances.

Also:

By Mr. Hooton:

H. 350. To amend Section 74 and Section 177 of Title 29 of the Code of Alabama.

Also:

By Mr. Rains:

H. 36. To amend Section 287 of Title 37 of the Code of Alabama of 1940.

Also:

By Mr. McCurdy:

H. 33. AN ACT RELATING TO THE INVESTMENT OF FUNDS OF COUNTIES, CITIES AND TOWNS.

Also:

By Mr. Rains:

H. 34. TO AMEND SECTION 242 OF TITLE 5, OF THE CODE OF ALABAMA OF 1940.

Also:
By Mr. Rains:
H. 35. TO AMEND SECTION 240 OF TITLE 55, OF THE CODE OF ALABAMA OF 1940.

By Mr. Norman of Bullock:
H. 237. To further provide for the general revenue of the State of Alabama.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees as follows:

H. 153, to the Committee on Public Roads and Highways.

H. 350, to the Committee on Public Health.

House bills 141, 36, 34, 33, 35, to the Committee on Municipalities and Municipal Organizations.

H. 237, to the Committee on Finance and Taxation.

BILLS ON THIRD READING

The bill:
S. 59. To propose an amendment to the Constitution of Alabama making public education an essential function of State Government, and to order an election for the qualified voters of the State of Alabama upon such proposed amendment to be held at the next general election held after the final adjournment of the present session of the Legislature at which this amendmnt is proposed and to provide for the manner of holding said election.

As amended by amendment adopted on the 17th day, was read a third time at length as required by the Constitution and passed.

Yeas, 28; Nays, 1.

Yeas:

Messrs.:	Bradford	Espy	High
Benson	Cater	Garrett	Hill
Bentley	Cobb	Goodwin	Jones
Black	Dodson	Henderson	Kilborn

Lawson	Pinson	Shaver	Taylor
Madison	St. John (Cullman)	Simpson	Toomer
McCary	St. John (Lawrence)	Smith	Walton
Newton			

—28

Nay: Mr. Carlton —1

The bill:

S. 240. To Provide Armory Drill Pay for Members of the Temporary Military Force of the State of Alabama; to Prescribe the Condition under and the Manner in which it shall be paid.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 19; Nays, 0.

Yeas:

Messrs.:	Espy	Kilborn	Simpson
Benson	Goodwin	McCary	Smith
Bentley	High	St. John (Cullman)	Taylor
Black	Hill	St. John (Lawrence)	Toomer
Cater	Jones	Shaver	Walton

—19

Nays: —0

The bill:

H. 349. To amend sections 2, 3 and 5 of an Act to fix the compensation or salary to be paid the Tax Assessor of Morgan County, which act became a law on September 14, 1939, being Act No. 361 of the regular session of the Legislature of Alabama of 1939 (Local Acts, 1939, page 248) and to provide the effective date of this act.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	Jones	Sherrer
Benson	Cobb	Kilborn	Simpson
Bentley	Espy	Madison	Smith
Black	Goodwin	McCary	Taylor
Bradford	Henderson	Pinson	Toomer
Carlton	Hornsby	St. John (Cullman)	Walton

—23

Nays: —0

The bill:

H. 348. To provide that the Judge of Probate of Morgan County shall not collect fees for: (1) filing a claim against an

estate and giving a receipt therefor, (2) attesting a satisfaction of a mortgage or vendor's lien, (3) approving, filing and recording an official bond, (4) filing and recording deeds or conveyances to Morgan County, and (5) administering an affidavit; and to provide the effective date of this act.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	Jones	Sherrer
Benson	Cobb	Kilborn	Simpson
Bentley	Espy	Madison	Smith
Black	Goodwin	McCary	Taylor
Bradford	Henderson	Pinson	Toomer
Carlton	Hornsby	St. John (Cullman)	Walton

—23

Nays: —0

The bill:

H. 347. To amend sections 2, 3 and 5 of an Act to fix the compensation or salary to be paid the Tax Collector of Morgan County, approved September 15, 1939, being Act No. 464 of the regular session of the Legislature of Alabama of 1939 (Local Acts, 1939, page 278), and to provide for the effective dates of this act.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	Jones	Sherrer
Benson	Cobb	Kilborn	Simpson
Bentley	Espy	Madison	Smith
Black	Goodwin	McCary	Taylor
Bradford	Henderson	Pinson	Toomer
Carlton	Hornsby	St. John (Cullman)	Walton

—23

Nays: —0

The bill:

H. 346. To provide that commencing on October 1, 1943, the Judge of Probate of Morgan County, Alabama, shall be compensated by a salary of Five Thousand Dollars ($5000.00) per annum. in lieu of all other compensation; to require that said Judge of Probate collect all fees, commissions, costs, percentages, allowances and other items allowed to or provided for a judge of probate by the general laws of this state then and thereafter in force, except as otherwise provided by local act applicable to Morgan

County, and that he pay the same into the county treasury; and to provide a penalty for failure to do so; to provide for the furnishing of equipment, supplies and clerical assistance to said Judge of Probate, and the duties of and compensation of said assistants and the manner of the payment of the same and of said salary; to provide for the performance of certain duties by the Board of Revenue and Control of said county and the Chairman thereof made necessary by the placing of said office on a salary basis; and to provide for the repeal of all laws in conflict with this act, and the effective date of this act.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	Jones	Sherrer
Benson	Cobb	Kilborn	Simpson
Bentley	Espy	Madison	Smith
Black	Goodwin	McCary	Taylor
Bradford	Henderson	Pinson	Toomer
Carlton	Hornsby	St. John (Cullman)	Walton

—23

Nays: —0

The bill:

H. 381. To Amend Section 15 of an Act entitled: "An Act to create a County Court for Russell County, Alabama; to provide for its jurisdiction, its officers, fix their powers, duties and compensation; to provide for a trial tax and its disposition." Approved February 1, 1937.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	Jones	Sherrer
Benson	Cobb	Kilborn	Simpson
Bentley	Espy	Madison	Smith
Black	Goodwin	McCary	Taylor
Bradford	Henderson	Pinson	Toomer
Carlton	Hornsby	St. John (Cullman)	Walton

—23

Nays: —0

The bill:

H. 380. To fix the salary of the Deputy Solicitor of Russell County, Alabama.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	Jones	Sherrer
Benson	Cobb	Kilborn	Simpson
Bentley	Espy	Madison	Smith
Black	Goodwin	McCary	Taylor
Bradford	Henderson	Pinson	Toomer
Carlton	Hornsby	St. John (Cullman)	Walton

—23

Nays: —0

The bill:

H. 379. An act to provide for the appointment of a Deputy Circuit Clerk of the Circuit Court of Russell County, Alabama, to fix the salary of such Deputy, and to provide the method of payment of such salary; to provide or require such deputy Clerk to enter into a bond in the sum of $5,000.00 conditioned as required by law of all Clerks of Circuit Courts, and to provide the method of appointment of such Deputy Clerk.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	Jones	Sherrer
Benson	Cobb	Kilborn	Simpson
Bentley	Espy	Madison	Smith
Black	Goodwin	McCary	Taylor
Bradford	Henderson	Pinson	Toomer
Carlton	Hornsby	St. John (Cullman)	Walton

—23

Nays: —0

The bill:

H. 382. To authorize and empower the Sheriff of Russell County, Alabama, to appoint, in addition to the Deputy or Deputies as now provided by law, a Special or General Deputy, fix his tenure of office, prescribe his duties, fix his compensation and to authorize and require the Court of County Commissioners to pay the same by warrant drawn on the Treasurer and paid out of the general funds of said County, and to require said Deputy to give bond in sum of $1,000.00 payable to said Sheriff, with conditions as required by law.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	Jones	Sherrer
Benson	Cobb	Kilborn	Simpson
Bentley	Espy	Madison	Smith
Black	Goodwin	McCary	Taylor
Bradford	Henderson	Pinson	Toomer
Carlton	Hornsby	St. John (Cullman)	Walton

—23

Nays: —0

The bill:

H. 378. To authorize and empower the Judge of Probate of Russell County, Alabama, to appoint a chief Clerk, and to fix the salary and to provide the method of payment of salary of said Chief Clerk.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	Jones	Sherrer
Benson	Cobb	Kilborn	Simpson
Bentley	Espy	Madison	Smith
Black	Goodwin	McCary	Taylor
Bradford	Henderson	Pinson	Toomer
Carlton	Hornsby	St. John (Cullman)	Walton

—23

Nays: —0

The bill:

H. 214. To amend Section 3 of Title 54 of the Code of Alabama, 1940.

Was taken up.

Mr. Garrett offered the following amendment to the bill, to-wit:

Amend H. B. 214 by striking from Line 11 of that portion of the bill styled "Section 3, the words "eighteen hundred dollars" and substituting in lieu thereof the words "twenty-four hundred dollars"

Which was adopted.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:	Cobb	Kilborn	Shaver	
Benson	Espy	Lawson	Sherrer	
Bentley	Garrett	Madison	Simpson	
Bradford	Goodwin	McCary	Smith	
Carlton	Henderson	St. John (Cullman)	Walton	
Cater	High	St. John (Lawrence)		—22

Nays: —0

Mr. Smith offered the following amendment the bill, to-wit:

Amend House Bill 214 by striking therefrom Section 2 of the Bill.

Which was adopted.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:	Dodson	Jones	St. John (Lawrence)	
Benson	Espy	Lawson	Shaver	
Bentley	Garrett	Madison	Simpson	
Bradford	Goodwin	McCary	Smith	
Carlton	Henderson	Newton	Toomer	
Cater	High	St. John (Cullman)	Walton	
Cobb	Hornsby			—25

Nays: —0

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:	Dodson	Hornsby	Newton	
Benson	Espy	Jones	St. John (Cullman)	
Bentley	Garrett	Kilborn	Simpson	
Bradford	Goodwin	Lawson	Smith	
Carlton	Henderson	Madison	Toomer	
Cater	High	McCary	Walton	
Cobb				—24

Nays: —0

The bill:

S. 239. To authorize the Court of County Commissioners of Hale County, Alabama, to make appropriations, from time to time, from the General Fund of the County to the Hale County War Savings Staff, during the present war, to help pay the expenses and promote the work of said Hale County War Savings Staff.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	Henderson	Lawson
Benson	Cobb	High	Madison
Bentley	Dodson	Hill	Pinson
Black	Espy	Hornsby	Shaver
Bradford	Garrett	Jones	Sherrer
Carlton	Goodwin	Kilborn	Simpson

—23

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Snyder:

H. 173. To amend Section 912 of Title 51, Chapter 22 of the Code of Alabama of 1940.

Also:

By Mr. Kirby:

H. 68. To amend Section 27 of Title 47 of the Code of Alabama of 1940:

Also:

By Mr. Locke:

H. 190. To provide for payment to the Sheriff furnishing evidence and bringing about the conviction of any person, who steals any horse, mare, gelding, colt, filley, mule, jack, jennet, cow, or animal of the cow kind.

Also:

By Mr. Johnston of Mobile and Mr. Stone:

H. 93. TO AMEND SECTION 254 OF TITLE 13 OF THE ALABAMA CODE OF 1940.

By Mr. Smyer :

H. 236. To establish a Gorgas memorial and to provide for its maintenance and administration and to make the necessary appropriation to that end.

Also:

By Mr. Hooton:

H. 405. To provide for the care and maintenance of the former inmates of the Confederate Soldiers' Home at Mountain Creek.

Also:
By Mr. Sightler:
H. 113. To provide for court procedure to establish the facts of birth; to prescribe the method of giving notice of such court proceedings and to confer jurisdiction of such matter on the probate courts, circuit courts, or courts of like jurisdiction; to fix the amount of court costs to be charged and to provide for the filing and recording of a certified copy of the decree of said court in the office of the judge of probate of said county; and also in the office of the Registrar of Vital Statistics of Alabama; and to provide for the issuance of delayed certificates of birth based on said decree of court in the method provided by Title 22, Section 42, Code of 1940.

Also:
By Mr. Edwards:
H. 55. To repeal Section 149 of Title 52 of the Code of Alabama, 1940.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees as follows:

House bills 173, 236 and 405, to the Committee on Finance and Taxation.

House bills 68, 190, 93 and 113, to the Committee on Judiciary.

H. 55, to the Committee on Municipalities and Municipal Organizations.

MESSAGE FROM THE HOUSE

Mr. President:
The House has originated and passed the following bills:

By Mr. Snyder:
H. 332. To authorize, provide for, and regulate the demanding, selection, impanelling and obtaining of six-man and twelve-man juries for trials in the circuit court in counties having a population of 300,000 or more according to the last or any subsequent Federal census, in cases where the defendants are charged with the violation of ordinances of a city or town; and without

limiting or derogating from the generality and comprehensiveness of the foregoing portion of this title, to authorize, provide for, and regulate the number of men to compose juries for the trials of such cases, and to provide for six-man juries in such cases under specified conditions and circumstances, and to provide for twelve-man juries in such cases under other specified conditions and circumstances, and to provide the mode in which juries shall be struck, or selected or obtained; and to make rules with reference to jury demands in such cases.

Also:

By Mr. Snyder:

H. 336. To authorize, provide for, and regulate the demanding, selection, impanelling and obtaining of six-man and twelve-man juries for the trials of misdemeanor and non-capital felony cases in the Circuit Court in counties having a population of 300,000 or more according to the last or any subsequent Federal census; and without limiting or derogating from the comprehensiveness and generality of the foregoing portion of this title, to authorize, provide for, and regulate the number of men to compose juries for the trials of such cases; and to provide for six-man juries in such cases under specified conditions and circumstances, and to provide for twelve-man juries in such cases under other specified conditions and circumstances, and to provide the mode in which juries shall be struck, or selected or obtained; and to make rules with reference to jury demands in such cases; and to provide the method for preserving and presenting for review in all appellate courts, and the practice, procedure, presumptions and rules in all appellate courts, questions concerning the number of persons composing juries in the trials of such cases.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committee as follows:

H. 332 and H. 336, to the Committee on Local Legislation.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the twenty-third day and finds same correct and containing all original entries and references thereto required by the Constitution.

Jim Smith, Jr.,

COMMITTEE REPORT

On motion of Mr. Smith, the foregoing report was concurred in and the Journal of the Senate for the twenty-third day approved by the Senate.

ADJOURNMENT

At 12:50 P. M., on motion of Mr. Kilborn, the Senate adjourned until tomorrow, Thursday, May 27, 1943, at 10 A. M.

TWENTY-FOURTH DAY

Thursday, May 27, 1943.

The Senate met pursuant to adjournment Lieutenant Governor Ellis, presiding.

PRAYER

The session was opened with Prayer by Rev. Edgar R. Neff, of St. John's Episcopal Church, Montgomery.

ROLL CALL

Present:

Messrs.:	Dodson	Jones	St. John (Cullman)
Benson	Espy	Kelly	St. John (Lawrence)
Bentley	Garrett	Kilborn	Shaver
Black	Goodwin	Lawson	Sherrer
Bradford	Henderson	Madison	Simpson
Carlton	High	McCary	Smith
Cater	Hill	Newton	Taylor
Cobb	Hornsby	Pinson	Walton

—31

JOURNAL

On motion of Mr. Carlton, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Mr. Shaver:

S. 266. To provide funds for salaries and expenses of the employees of the State Board of Adjustment.

Committee on Finance and Taxation.

By Mr. McCary:

S. 267. To amend Section 257 of Title 13 of the 1940 Code of Alabama.

Committee on Judiciary.

By Messrs. Dodson and Goodwin:

S. 268. To authorize the organization of public non-profit corporations for the purpose of acquiring and operating facilities for the production, transmission and distribution of electricity and re-

lated services in power districts to be composed of all or parts of any three or more connecting counties; to specify the method of amending the certificate of incorporation of any such corporation; to provide for its management; to define its powers, including the power of eminent domain with certain limitations, the power to fix and collect rates and charges for services rendered, and the power to raise funds necessary for its purposes by the issuance of its revenue bonds payable solely from the revenues derived from the operation of its properties, which bonds and the interest coupons applicable thereto shall be negotiable; to exempt from all taxation all such bonds together with the income therefrom and any security executed therefor and all properties of the corporation; to authorize the making of pledges and mortgages and deeds of trust as security for such bonds; to require the consent of the Department of Finance to the issuance of such bonds; to specify the properties of such bonds and the rights and remedies of the holders thereof; to provide that such corporation shall not be subject to the jurisdiction of the Alabama Public Service Commission; and to provide for distribution of the assets of any such corporation on its dissolution.

Committee on Municipalities and Municipal Organizations.

By Messrs. Dodson and Goodwin:

S. 269. To authorize any municipality in this State situated within the territorial limits of any power district proposed to be served with electricity and related services by a public non-profit corporation to advance funds to such corporation for the purpose of paying its preliminary organization and administration expenses, and to provide for the terms of any such advances.

Committee on Municipalities and Municipal Organizations.

By Mr. Cater:

S. 270. To fix the compensation or salary to be paid the tax collector of Montgomery County, Alabama, and to regulate the payment of same, to provide for the selection of clerical help and other assistance to said officer and the manner of fixing his compensation and paying the same, and to provide rules and regulations for the payment and conduct of such officer; and to require such officer to pay into the county treasury of said county all costs, charges of courts, fees and commissions authorized by law to be collected by said officer as other monies belonging to said county are paid, except any salary, fees or commissions paid said officer for collecting taxes for any municipality.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

is hereby given that a bill will be introduced in the Legislature of Alabama, in the 1943 Session thereof, which bill is in substance as follows:

A BILL
TO BE ENTITLED
AN ACT

To fix the compensation or salary to be paid the tax collector of Montgomery County, Alabama, and to regulate the payment of same, to provide for the selection of clerical help and other assistance to said officer and the manner of fixing his compensation and paying the same, and to provide rules and regulations for the payment and conduct of such officer; and to require said officer to pay into the county treasury of said county, all costs, charges of courts, fees and commissions authorized by law to be collected by said officer as other monies belonging to said county are paid, except any salary, fees or commissions paid said officer for collecting taxes for any municipality.

Be it Enacted by the Legislature of Alabama:

Section 1. That the tax collector of Montgomery County, Alabama, shall be paid an annual salary, which shall be paid to and received by him in lieu of all other compensations, fees or emoluments, as follows: The tax collector shall receive an annual salary of four thousand dollars net, except as herein otherwise provided, and an allowance of fifty-eight hundred dollars per annum for office help as follows: one clerk at three thousand dollars per annum, and one clerk at eighteen hundred dollars per annum, and one thousand dollars per annum for other expenses and ex-officio services of the said tax collector. The said one thousand dollars to be paid to the tax collector in monthly installments.

Section 2. The Board of Revenue or other governing body of like jurisdiction of Montgomery County, Alabama, is also authorized and empowered to furnish the Tax Collector of said county extra clerical assistance not to exceed nine hundred dollars per annum whenever in their discretion such assistance is necessary. The personnel of said assistants to be selected by the said Tax Collector.

Section 3. That the Tax Collector shall pay into the county treasury of said county, all costs, charges of court, fees and commissions authorized by law, or which may hereafter be authorized by law to be collected by him as monies belonging to said county are paid. Provided that any salary, fees or commissions paid to said officer for collecting taxes of any municipality shall not be paid into the treasury of said county, but shall be held by said officer as compensation for such services in addition to his salary as herein provided. The Board of Revenue or other governing body of like jurisdiction of Montgomery County, Alabama, shall have the power and authority to have audited the accounts of said officer for the purpose of requiring a strict compliance with the provisions of this Act.

Section 4. That all compensation and salary of the Tax Collector and all allowances provided for expenses, clerical help and other assistance shall be paid out of the general fund of the said Montgomery County in monthly installments.

Section 5. That the premium on the Tax Collector's bond and the bonds of his clerks and deputies shall be paid out of the general fund of Montgomery County.

Section 6. That all laws or parts of laws, general, local or special, in conflict with the provisions of this act be, and the same are hereby expressly repealed.

Section 7. That this act shall go into effect immediately upon its approval by the Governor. May 6, 13, 20, 27, 1943.

PROOF OF PUBLICATION

STATE OF ALABAMA,
MONTGOMERY COUNTY

Before me, Louise S. Champion, a Notary Public, in and for said State and County aforesaid, personally appeared Frank Nunnelee, Publisher of The Montgomery Weekly, and after being duly sworn by me, deposes and says that the attached Legal Notice was published in The Montgomery Weekly for 4 consecutive weeks, as follows: May 6, 13, 20, 27, 1943.

That The Montgomery Weekly is a weekly newspaper of general circulation in Montgomery County, Alabama; That it is entered in the Postoffice at Montgomery, Alabama as second-class mailing matter; That it has been published for 52 consecutive weeks prior to the publication of this legal notice.

(Signed) FRANK NUNNELEE,
Publisher.

Sworn to and subscribed before me, this 27th day of May, 1943.

(Signed) LOUISE S. CHAMPION,
Notary Public.

By Mr. Cater:

S. 271. To fix the salary of the Judge of Probate of Montgomery County, Alabama, and to regulate the payment of same, and to provide for the selection of clerical help and other assistance to said Judge of Probate, and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such Judge of Probate, and to provide for an ex-officio clerk of the Board of Registrars, and to require said Judge of Probate to pay into the County Treasury of said County, all costs and charges of courts, fees and commissions authorized by law to be collected by said Judge of Probate as other moneys belonging to said County are paid.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

is hereby given that a bill will be introduced in the Legislature of Alabama, in the 1943 Session thereof, which bill is in substance as follows:

A BILL
TO BE ENTITLED
AN ACT

To fix the salary of the Judge of Probate of Montgomery County, Alabama, and to regulate the payment of same, and to provide for the selection of

clerical help and other assistance to said Judge of Probate, and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such Judge of Probate, and to provide for an ex-officio clerk of the Board of Registrars, and to require said Judge of Probate to pay into the County Treasury of said County, all costs and charges of courts, fees and commissions authorized by law to be collected by said Judge of Probate as other moneys belonging to said County are paid.

Be it Enacted by the Legislature of Alabama:

Section 1. That the salary of the Judge of Probate of Montgomery County, Alabama, shall be six thousand dollars per annum, and an allowance for office help as follows: One chief clerk at Thirty-six hundred dollars per annum, three clerks at twenty-one hundred dollars per annum each, five clerks at sixteen hundred and fifty dollars per annum each, and one clerk at twelve hundred dollars per annum, and one of said clerks who is paid twenty-one hundred dollars per annum shall, in addition to his other duties be ex-officio clerk of the Board of Registrars, and fifteen hundred dollars per annum for other expenses and clerk hire to be paid out on warrant by the Board of Revenue on proper certificates of said Judge of Probate, and the further sum of Twelve Hundred Dollars, as ex-officio services and other contingencies to be paid to said Judge of Probate in equal Monthly installments out of the general funds of said County.

Section 2. That said Judge of Probate shall pay into the County Treasury of said County, all costs, charges of Courts, fees and commissions authorized by law, or which may hereafter be authorized by law to be collected by said Judge of Probate as other moneys belonging to said County are paid. The Courts of County Commissioners, Board of Revenue and other courts of like jurisdiction shall have the power and authority and it shall be their duty to audit the account of said Judge of Probate for the purpose of requiring a strict compliance with the provisions of this Act.

Section 3. That all compensations and salaries of the Judge of Probate mentioned in this Act, and all allowances provided for expenses, clerical help and other assistance shall be paid out of the general fund of the County in monthly installments.

Section 4. That the premiums on said Judge of Probate bond and the bonds of his clerks shall be paid out of the general funds of said County.

Section 5. That all laws and parts of laws, general, local or special in conflict with the provisions of this Act, be and the same are hereby repealed.

Section 6. That this Act shall be effective immediately upon its approval by the Governor or upon its otherwise becomes a law. May 6, 13, 20, 27, 1943.

PROOF OF PUBLICATION

STATE OF ALABAMA,
MONTGOMERY, COUNTY

Before me, a Notary Public, in and for said State and County aforesaid, personally appeared Frank Nunnelee, Publisher of The Montgomery Weekly, and after being duly sworn by me, deposes and says that the attached Legal Notice was published in the Montgomery Weekly for 4 consecutive weeks, as follows: Copy Herewith Attached, May 6, 13, 20, 27th, 1943.

That The Montgomery Weekly is a weekly newspaper of general circulation in Montgomery County, Alabama; That it is entered in the Postoffice at

Montgomery, Alabama as second-class mailing matter; That it has been published for 52 consecutive weeks prior to the publication of this legal notice.

(Signed) FRANK NUNNELEE,
Publisher.

Sworn to and subscribed before me, this 27th day of May, 1943.

(Signed) MILDRED E. ELEY,
Notary Public.

REPORTS OF COMMITTEES

Mr. Simpson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Simpson (with amendment):

S. 22. To promote the prevention and cure of cancer; to authorize the State Board of Health, in collaboration with the Committee on Cancer Control of the Medical Association of the State of Alabama, to establish a standard for the organization, equipment and conduct of cancer units or departments in general hospitals, or in private clinics in this State, and to conduct an educational campaign for cancer control; and to provide a plan for the care and treatment of indigent persons suffering from cancer; and to make appropriation therefor to enable the State Board of Health, acting in conjunction with the Committee on Cancer Control of the Medical Association of the State of Alabama, to carry out the provisions of this Act.

By Mr. Hodo:

H. 320. To appropriate $40,000.00 from the General Fund to the Public Library Service Division in the State Department of Archives and History.

By Mr. Jackson (Tallapoosa):

H. 128. To make an appropriation for the support and maintenance of the Southern Industrial Institute.

By Mr. Chichester:

H. 57. To provide for the promotion, encouragement, development and regulation of aeronautics, air navigation aids and facilities, airmen and aircraft; to provide for the survey, location, mapping and development of state airways and airway facilities; to provide for the registration and issuance of permits, and to establish fees therefor, to operators, instructors, aircraft and airmen, suspension and revocation of such permits; to provide for the encouragement of the location in the state of aeronautical industries;

to provide for the operating of, and leasing of, state-owned air navigation facilities; to create a commission for the administration of this act and for the enforcement of the laws of the State of Alabama and of the rules and regulations established by said Commission; to define and describe the powers, duties, responsibilities and privileges of said Commission; and to create a fund for the purpose of this Act.

By Mr. Simpson:

S. 23. To amend section 46 of Title 51 of the Alabama Code of 1940.

By Mr. Sessions:

H. 51. To Provide for the allocation of funds for the administration of assistance to needy blind persons.

By Mr. Head:

H. 125. To provide for the presentation and payment of all outstanding checks or warrants drawn against the Alabama Relief Administration or any account available for its use and the appropriation to the State Department of Public Welfare for public welfare purposes of such funds as are not claimed within six months from the passage of this Act.

By Mr. Smyer:

H. 62. To create a State Planning Board and to provide for the appointment, removal, term, and compensation of the members thereof; to fix the powers, authority, and duties of the board; to provide for the appointment of a director of the board and for the selection of employees; and to make an appropriation for the maintenance and operation of the board.

By Mr. Madison:

S. 149. To make an appropriation to the Public Library Service Division of the State Department of Archives and History.

By Mr. Cater (with substitute):

S. 207. To authorize, require and provide for the payment of the sum of $596.30 by the State Comptroller of the State of Alabama, for the relief of Robert F. Henry, Montgomery, Alabama, said sum being an amount paid by him to the Treasurer, the Department of Revenue, and the State Tax Commission of the State on Alabama, for sales taxes paid through error, from March 1, 1937, through March 20, 1939, both inclusive.

By Mr. Walton:

S. 225. To amend Section 8 Title 26 of the 1940 Code.

By Mr. Kilborn:
S. 249. To amend Sections 78 and 80 of Title 51 of the Code of Alabama of 1940.

By Mr. Kilborn:
S. 250. To amend Sections 89, 94, 95 and 97 of Title 51 Code of Alabama of 1940.

Mr. Walton, Chairman of the Standing Committee on Public Welfare and Correctional Institutions, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Cobb:
H. 164. To exempt assistance grants to dependent children from levy, garnishment, attachment and all taxes.

Mr. McCary, Chairman of the Standing Committee on Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McCary:
S. 264. To amend Section 86 of Title 28 of the 1940 Code of Alabama.

By Mr. Sessions:
H. 50. To authorize investments by life insurance companies in notes secured by mortgages or trust deeds on unencumbered real estate.

By Mr. St. John (Lawrence):
S. 242. To amend Title 28, Section 52, of the Code of Alabama of 1940, so as to provide for the payment of proper charges and expenses of examining domestic insurance companies.

By Mr. Sessions:
H. 49. To amend Section 820, Title 51, of the Code of 1940.

By Mr. Kilborn (with amendment):
S. 213. To empower the governing body of every State department, of every county, municipality, board, commission or subdivision of the State of Alabama to contribute to the premiums on group life insurance policies and group hospitalization insurance on the lives of such of its officers or employes who desire to take out such insurance, and to provide for a method of collection of premiums by deductions from the salaries of officers and employes of

the various political subdivisions who consent and subscribe to a play of group life insurance and group hospitalization insurance, or either, and to limit the monthly amount per employe which may be so expended and to permit the governing bodies of such State departments and of any county, municipality or subdivision of the State to appropriate funds for this purpose.

By Mr. Sessions:

H. 177. To amend Section 213 of Title 28 of the 1940 Code ot Alabama.

By Mr. Brown:

S. 106. To provide for the rehabilitation, reorganization and liquidation of insurers doing business in more than one state; to define a "reciprocal state"; to provide that the insurance supervisory agency of such state be vested with title to the assets of any domestic insurer and conduct the affairs of delinquent insurers under judicial supervision; to provide for the filing of claims in this State by claimants who reside, or whose claims are based upon acts or contracts of insurers, in a reciprocal state; to provide that the Circuit Courts of this State shall have jurisdiction of such claims arising in this State; to determine the preferences against the general assets of domestic insurers; to provide for the administration of such deposits, or bonds in lieu thereof, of delinquent domestic insurers; to establish equalization of secured claims against delinquent domestic insurers and to define same; to provide that title to assets of delinquent domestic insurers shall vest in the insurance supervisory agency of any reciprocal state wherein proceedings against such insurer are commenced; to define those special deposits of such insurers which shall be subject to such proceedings; and to provide for the administration of general assets of such insurers by the insurance supervisory agency of reciprocal states.

By Mr. Sessions:

H. 178. To amend Title 28, Section 53, Code of 1940.

Mr. Cobb, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calender, to-wit:

By Mr. Shaver (with notice and proof):

S. 263. To allow the Sheriff of Madison County, Alabama, two additional deputy sheriffs to those now provided by law; to fix the maximum salaries of such deputies and to make the same payable

out of the General Fund of Madison County, Alabama, in monthly installments; to fix their tenure of office and provide for their duties; and to provide that the Sheriff of Madison County, Alabama, shall perform the duties required of him by Section 186 of Title 13 and by Section 9 of Title 54 Code of Alabama 1940 without fees, charges or expense to the County.

By Mr. Elrod (with notice and proof):
H. 415. To prescribe the salary and the manner of payment of the same, of the Chief Deputy Sheriff for Blount County, Alabama.

By Mr. Elrod (with notice and proof):
H. 414. To regulate the fine and forfeiture fund of Blount County, and provide for the registration and payment of claims against said fund.

By Mr. Smyer (with notice and proof):
H. 247. To fix the compensation or salary of the Tax Assessor of Jefferson County, Alabama, and to regulate the payment thereof.

By Mr. Gwin:
H. 248. To Amend Section 151 of Chapter 8 of Title 52 of the Code of Alabama of 1940.

By Mr. Elrod (with notice and proof):
H. 416. To prescribe the salary and the manner of payment of the same, of the Jailer of Blount County, Alabama.

By Mr. Elrod (with notice and proof):
H. 417. To allow the Sheriff of Blount County, Alabama an additional Deputy Sheriff to that now provided by law; to fix the salary of said Deputy and to make the same payable out of the general funds of Blount County in monthly installments.

MESSAGE FROM THE HOUSE

Mr. President:
The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment.

By Mr. Porter of Choctaw:
H. 436. To Regulate the Fine and Forfeiture Fund of Choctaw County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that the following bill will be introduced at the regular session of the legislature of Alabama which will convene on May 4, 1943, at Montgomery, Ala.:

A BILL
TO BE ENTITLED
AN ACT

TO REGULATE THE FINE AND FORFEITURE FUND OF CHOCTAW COUNTY, ALABAMA

Be It Enacted by the Legislature of Alabama:

Section 1. All claims against the fine and forfeiture fund of Choctaw County heretofore issued and unpaid shall, within ninety days after the passage and approval of this act, be presented to the treasurer or other custodian of public funds of said county for re-registration. Such claims shall be re-registered in the order of their prior registration and all claims not presented within ninety days after passage and approval of this act shall be barred and the payment thereof prohibited.

Section 2. All claims against the fine and forfeiture fund of Choctaw County issued after the passage and approval of this act shall be registered in the office of the treasurer, or other custodian of the public funds of said county, and shall be paid in the order of their registration as funds are available.

Section 3. The claims registered under Section 2 of this act shall have priority over the payments of those claims registered under Section 1 of this act, and no claims registered under Section 1 of this act shall be paid except from a surplus existing in the fine and forfeiture fund at the end of each fiscal year, over and above the amount required to pay those outstanding claims registered under Section 2 of this act.

Section 4. After the passage and approval of this act all fines and forfeitures shall be payable in cash only.

Section 5. If any section, clause, or provision of this act shall be declared to be void, it shall not affect any other section, clause, or provision, but the same shall remain in full force and effect.

Section 6. All laws or parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Section 7. This act shall take effect upon its passage and approval by the Governor or its otherwise becoming a law.

April 15-22-29-May 6.

STATE OF ALABAMA, CHOCTAW COUNTY.

I, E. B. Sills, Editor of the Choctaw Advocate, a newspaper published at Butler, Choctaw, County, Alabama, do hereby certify that a copy of the Notice (A Bill To be Entitled an Act) to regulate the Fine and Forfeiture Fund of Choctaw County, Alabama, as per clipping hereto attached, was published weekly in the regular and entire issue of said newspaper, and not any supplement thereof, for four consecutive weeks, commencing with the issue dated April 15, 1943, and ending with the issue dated May 6, 1943.

I further certify that I have the right and authority to make this affidavit.

E. B. SILLS.

Sworn to and subscribed before me on this, the 18 day of May, 1943.

HUNTER PHILLIPS,
Probate Judge.

(Seal)

Also:
By Mr. Bowling:
H. 484. To provide for the election of commissioners of the Court of County Commissioners in and for Washington County.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

The following Local Bill for Washington County, Alabama, will be introduced at the next regular session of the Legislature of Alabama, which will convene on May 3, 1943.

A BILL
TO BE ENACTED
AN ACT

To provide for the election of commissioners of the Court of County Commissioners in and for Washington County.

Be it enacted by the Legislature of Alabama:

Section 1. That at the general election to be held in 1944, and every four years thereafter, a commissioner shall be elected from each of the Commissioner's Districts of Washington County numbered one (1) and three (3), who shall be a bona fide resident and elector of the district from which he is elected and who shall be elected by the qualified electors of such district, and not otherwise.

Section 2. That at the general election to be held in 1946, and every four years thereafter, a commissioner shall be elected from each of the commissioners' Districts of Washington County numbered two (2) and four (4), who shall be a bona fide resident and elector of the district from which he is elected and who shall be elected by the qualified electors of such district, and not otherwise.

Section 3. That each commissioner so elected as hereinabove provided shall hold office for four years from the first Monday after the second Tuesday in January next succeeding his election and until his successor is elected and qualified.

Section 4. That all laws and parts of laws, local or general, in conflict herewith are hereby repealed.

ROBERT S. BOWLING,
4-22-4t. Representative, Washington County, Alabama.

STATE OF ALABAMA,
WASHINGTON COUNTY.

I, Robert A. Long, Editor of the Washington County News, a newspaper published at Chatom, Washington County, Alabama, do hereby certify that a copy of the Proposed Local Bill for Washington County, Alabama, as per clipping hereto attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement, thereof, for 4 consecutive weeks, com-

mencing with the issue dated April 22, 1943, and ending with the issue dated May 13, 1943.

I further certify that I have the right and authority to make this affidavit.

ROBERT A. LONG.

Sworn to and subscribed before me on this, the 19th day of May, 1943.

HOWARD SUTT,
Notary Public.

Also:

By Mr. Bowling:

H. 483. To require the County Board of Education of Washington County to pay out of the school funds of said County all expenses of the office of the County Superintendent of Education and all expenses of taking the school census; and to relieve the court of county commissioners of said county from payment of such expenses.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

The following Local Bill for Washington County, Alabama, will be introduced at the next regular session of the Legislature of Alabama, which will convene on May 3, 1943.

A BILL
TO BE ENACTED
AN ACT

To require the County Board of Education of Washington County to pay out of the school funds of said County all expenses of the office of the County Superintendent of Education and all expenses of taking the school census; and to relieve the court of county commissioners of said county from payment of such expenses.

Be it enacted by the Legislature of Alabama:

Section 1. That the County Board of Education of Washington County shall pay out of the school funds of said county all expenses of the Office of the County Superintendent of Education, including stamps, stationery, office supplies and office equipment, and all expenses of taking the school census.

Section 2. That the court of county commissioners shall be relieved from payment of such expenses.

Section 3. That all laws and parts of laws in conflict herewith are hereby repealed.

Section 4. That this act shall be effective upon its passage and approval.

ROBERT S. BOWLING,
Representative, Washington County, Alabama.

4-22-4t.

STATE OF ALABAMA,
WASHINGTON COUNTY.

I, Robert A. Long, Editor of the Washington County News, a newspaper published at Chatom, Washington County, Alabama, do hereby certify that a copy of the Local Bill for Washington County, Alabama, as per clipping hereto attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement, thereof, for 4 consecutive weeks, commencing with the issue dated April 22, 1943, and ending with the issue dated May 13, 1943.

I further certify that I have the right and authority to make this affidavit.

ROBERT A. LONG,

Sworn to and subscribed before me on this, the 19th day of May, 1943.

HOWARD SUTT.
Notary Public.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committee as follows:

House bills 436, 484, and 483, to the Committee on Local Legislation.

REPORT OF COMMITTEE ON ENGROSSED BILLS

Mr. President:

Your Standing Committee on Engrossed Bills begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill, and finds same correctly engrossed, to-wit:

S. 59. To propose an amendment to the Constitution of Alabama making public education an essential function of State Government, and to order an election for the qualified voters of the State of Alabama upon such proposed amendment to be held at the next general election held after the final adjournment of the present session of the Legislature at which this amendment is proposed and to provide for the manner of holding said election.

Orlan B. Hill,
Chairman.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Tucker:

H. J. R. 30. Be it resolved by the House, the Senate concurring, that a joint session of the two Houses of the Legislature of Alabama be held at 2:30 P.M., on Monday, June 7, 1943, in the hall of the House, for the purpose of hearing an address by the Hon. Wendell L. Wilkie.

And sends same to the Senate for its consideration.

R. T. Goodwyn, Jr.
Clerk.

HOUSE MESSAGE

Mr. St. John of Cullman offered the following amendment to the resolution, H. J. R. 30, set out in the foregoing Message from the House to-wit:

Amend H. J. R. No. 30 by inserting the words "an informal" after the word "that" and before the word "joint"

Which was adopted.

And on motion of Mr. St. John, the rules were suspended, and the resolution H. J. R. 30, as amended, was adopted by the Senate.

RESOLUTIONS

Messrs. Kilborn, Madison and St. John (Cullman) offered the following Senate resolution, to-wit:

S. R. 29. WHEREAS, There is now pending in the Legislature of the State of Alabama House Bill 66, which provides for the creation of a War Emergency Council and the appropriation of the surplus over and above $750,000.00 in the State Treasury to the credit of the General Fund to a War Emergency Fund created by said Act, and further providing for the allocation of said fund by said War Emergency Council, of which the Governor is made chairman, to any department, institution, or agency, for which said funds are authorized to be expended when and in such a manner as said Council deems an emergency to necessitate, and the constitutionality of the Bill should be beyond questions, therefore,

BE IT RESOLVED, By the Senate of Alabama, that the Justices of the Supreme Court of Alabama, or a majority of them, are hereby requested to render to this Body their written opinion, as provided by section 34, Title 13, of the 1940 Code of Alabama, as to whether said Act, a copy of which is hereto attached, violates any section of the constitution of the State of Alabama, and particularly sections 43 and 72 of said constitution.

Which was read and referred to the Standing Committee on Rules.

Mr. St. John of Lawrence offered the following Senate Joint Resolution, to-wit:

S. J. R. 30. Be it resolved by the Senate, the House concurring, that House Bill 45 be named the Hodo-Madison Bill.

And on motion of Mr. St. John of Lawrence, the rules were suspended and the resolution adopted.

The Rules Committee offered the following resolution, to-wit:

S. R. 31. Be it resolved that the following bills be made Special Orders on the calling of the Calendar on the next Legislative Day, viz:

S. 156.

S. 123.

S. 125.

S. 137.

S. 145.

Which was adopted.

REPORT FROM RULES COMMITTEE

Mr. Carlton, Chairman of the Standing Committee on Rules reported that said committee, in session, had acted on the following House joint resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 10. Requesting opinion of Supreme Court

And said resolution was then adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 26. To make appropriations for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the State, for the interest on the public debt, and for the public schools.

Also:

H. 45. To make annual appropriations for the support, maintenance, and development of public education in Alabama for each of the fiscal years ending September 30, 1944, and September 30, 1945, including all schools, agencies, services, and institutions under the general or direct control or subject to the rules and regulations of the State Board of Education, the Board of Trustees of Alabama College, the Board of Trustees of the Alabama Polytechnic Institute, the Board of Trustees of the University of Alabama.

Also:

H. 346. To provide that commencing on October 1, 1943, the Judge of Probate of Morgan County, Alabama, shall be compensated by a salary of Five Thousand Dollars ($5000.00) per annum, in lieu of all other compensation; to require that said Judge of Probate collect all fees, commissions, costs, percentages, allowances and other items allowed to or provided for a judge of probate by the general laws of this state then and thereafter in force, except as otherwise provided by local act applicable to Morgan County, and that he pay the same into the county treasury; and to provide a penalty for failure to do so; to provide for the furnishing of equipment, supplies and clerical assistance to said Judge of Probate, and the duties of and compensation of said assistants and the manner of the payment of the same and of said salary; to provide for the performance of certain duties by the Board of Revenue and Control of said county and the Chairman thereof made necessary by the placing of said office on a salary basis; and to provide for the repeal of all laws in conflict with this act, and the effective date of this act.

Also:

H. 347. To amend sections 2, 3 and 5 of an Act to fix the compensation or salary to be paid the Tax Collector of Morgan County, approved September 15, 1939, being Act No. 464 of the regular session of the Legislature of Alabama of 1939 (Local Acts, 1939, page 278), and to provide for the effective dates of this act.

Also:

H. 348. To provide that the Judge of Probate of Morgan County shall not collect fees for: (1) filing a claim against an estate and giving a receipt therefor, (2) attesting a satisfaction of a mortgage or vendor's lien, (3) approving, filing and recording an official bond, (4) filing and recording deeds or conveyances to Morgan County, and (5) administering an affidavit; and to provide the effective date of this act.

Also:

H. 349. To amend sections 2, 3 and 5 of an Act to fix the compensation or salary to be paid the Tax Assessor of Morgan County, which act became a law on September 14, 1939, being Act No. 361 of the regular session of the Legislature of Alabama of 1939 (Local Acts, 1939, page 248) and to provide the effective date of this act.

Also:

H. 378. To authorize and empower the Judge of Probate of Russell County, Alabama, to appoint a chief Clerk, and to fix the salary and to provide the method of payment of salary of said Chief Clerk.

Also:

H. 379. To provide for the appointment of a Deputy Circuit Clerk of the Circuit Court of Russell County, Alabama, to fix the salary of such Deputy, and to provide the method of payment of such salary; to provide or require such deputy Clerk to enter into a bond in the sum of $5,000.00 conditioned as required by law of all Clerks of Circuit Courts, and to provide the method of appointment of such Deputy Clerk.

Also:

H. 380. To fix the salary of the Deputy Solicitor of Russell County, Alabama.

Also:

H. 381. To Amend Section 15 of an Act entitled: "An Act to create a County Court for Russell County, Alabama; to provide for its jurisdiction, its officers, fix their powers, duties and compensation; to provide for a trial tax and its disposition." Approved February 1, 1937.

Also:

H. 382. To authorize and empower the Sheriff of Russell County, Alabama, to appoint, in addition to the Deputy or Deputies as now provided by law, a Special or General Deputy, fix his tenure of office, prescribe his duties, fix his compensation and to authorize and require the Court of County Commissioners to pay the same by warrant drawn on the Treasurer and paid out of the general funds of said County, and to require said Deputy to give bond in sum of $1,000.00 payable to said Sheriff, with conditions as required by law.

R. T. Goodwyn, Jr.,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

BILL REPORTED FAVORABLY AND RE-REFERRED

Mr. Walton, Chairman of the Standing Committee on Public Welfare and Correctional Institutions, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report with recommendation that it be re-referred to the Standing Committee on Finance and Taxation, and the bill was read a second time and re-referred by the President of the Senate to the Standing Committee on Finance and Taxation, to-wit:

S. 169. To make appropriations for the fiscal years ending September 30, 1944, and September 30, 1945, to the sixty-seven counties of the state to be divided equally among each of said counties to be used by them exclusively for the purpose of public health, old age assistance, and for the other purposes of the county departments of public welfare, out of the surplus of the proceeds of the state income tax after provision has been made for the payment of the next two maturing installments of principal and interest on the warrant refunding bonds of the State of Alabama issued, or to be issued, pursuant to authority contained in Act No. 50 of the Legislature of Alabama passed at the regular session, 1935, and approved February 8, 1935.

CONSIDERATION OF SPECIAL ORDERS

The bill:

H. 25. To amend Section 784, Title 51 of the 1940 Code of Alabama.

Was taken up.

Mr. Bentley offered the following amendment to the bill, to-wit:

Amend Section 1 of House Bill No. 25 by inserting a period after the word "article" where the said word appears in the 16th line of said Section, and adding the following:

"The comptroller, with the approval of the governor, is hereby directed to draw his warrants payable out of the total proceeds of said licenses, taxes or receipts levied or collected under this article"

Which was adopted.

Yeas, 31; Nays, 0.

Yeas:

Messrs.:	Dodson	Jones	St. John (Cullman)
Benson	Espy	Kelly	St. John (Lawrence)
Bentley	Garrett	Kilborn	Shaver
Black	Goodwin	Lawson	Sherrer
Bradford	Henderson	Madison	Simpson
Carlton	High	McCary	Smith
Cater	Hill	Newton	Taylor
Cobb	Hornsby	Pinson	Walton

—31

Nays: —0

Mr. Bradford offered the following amendment to the bill, to-wit:

Amend H. B. 25 by adding after the words "according to the population" where the same last occur together therein the words "Sixty five years and over is age"

Mr. St. John of Lawrence moved that further consideration of the bill, as amended, and pending amendment be postponed until the next day, which motion was lost.

Yeas, 8; Nays, 23.

Yeas:

Messrs.:	Cobb	Henderson	St. John (Lawrence)
Benson	Espy	Newton	Walton
Bradford			

—8

Nays:

Messrs.:	Garrett	Kelly	St. John (Cullman)
Bentley	Goodwin	Kilborn	Shaver
Black	High	Lawson	Sherrer
Carlton	Hill	Madison	Simpson
Cater	Hornsby	McCary	Smith
Dodson	Jones	Pinson	Taylor

—23

Mr. Newton moved that the Senate do now adjourn, which motion was lost.

Yeas, 6; Nays, 25.

Yeas:

Messrs.:	Cobb	Henderson	Walton	
Bradford	Espy	Newton		—6

Nays:

Messrs.:	Garrett	Kilborn	St. John (Lawrence)	
Benson	Goodwin	Lawson	Shaver	
Bentley	High	Madison	Sherrer	
Black	Hill	McCary	Simpson	
Carlton	Hornsby	Pinson	Smith	
Cater	Jones	St. John (Cullman)	Taylor	
Dodson	Kelly			—25

Mr. Walton moved to lay the amendment offered by Mr. Bradford on the table, which motion was lost.

Yeas, 2; Nays, 26.

Yeas: Messrs. Cobb and Walton —2

Nays:

Messrs.:	Dodson	Kelly	St. John (Lawrence)	
Benson	Espy	Kilborn	Shaver	
Bentley	Garrett	Lawson	Sherrer	
Black	High	Madison	Simpson	
Bradford	Hill	McCary	Smith	
Carlton	Hornsby	Pinson	Taylor	
Cater	Jones	St. John (Cullman)		—26

The question then recurred on the amendment offered by Mr. Bradford, and said amendment was adopted.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:	Espy	Kilborn	St. John (Lawrence)	
Bentley	Garrett	Lawson	Shaver	
Black	Goodwin	Madison	Sherrer	
Bradford	High	McCary	Simpson	
Carlton	Hill	Newton	Smith	
Cater	Hornsby	Pinson	Taylor	
Cobb	Jones	St. John (Cullman)	Walton	
Dodson	Kelly			—29

Nays: —0

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 30; Nays, 0.

Yeas:

Messrs.:	Dodson	Kelly	St. John (Lawrence)	
Benson	Espy	Kilborn	Shaver	
Bentley	Garrett	Lawson	Sherrer	
Black	Henderson	Madison	Simpson	
Bradford	High	McCary	Smith	
Carlton	Hill	Newton	Taylor	
Cater	Hornsby	Pinson	Walton	
Cobb	Jones	St. John (Cullman)		—30

Nays: —0

REPORT FROM RULES COMMITTEE

Mr. Carlton, Chairman of the Standing Committee on Rules reported that said committee, in session, had acted on the following Senate Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 29. Requesting opinion of Supreme Court.

And said resolution, S. R. 29, was then adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Molette:

H. J. R. 33. WHEREAS, Madam Wei Tao-Ming, wife of the Chinese Ambassador to the United States, is expected to be in the State of Alabama within the next few days.

BE IT RESOLVED BY THE HOUSE, THE SENATE CONCURRING, that a joint committee from the Legislature be appointed, consisting of three members from the House to be appointed by the Speaker, and two members from the Senate to be appointed by the President of the Senate, for the purpose of extending to Madam Wei Tao-Ming an invitation to appear before and address a joint session of the Legislature of Alabama during her visit to this State.

And the Speaker named as the Committee on part of the House Messrs. Molette, Nettles, and Hooton.

And sends same herewith to the Senate for its consideration.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The resolution, H. J. R. 33, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the bill:

By Mr. Sullivan:

H. 85. To create and establish a State Defense Council; to provide for its organization and to define its powers and duties; to create the office of State Director of Civilian Defense; to fix his compensation and to define his powers and duties; to provide for the creation and establishment of local defense councils; to provide for their organization and to define their powers and duties; to provide for the appointment of local directors of civilian defense and to define their powers and duties and provide for their method of compensation; to authorize and empower reciprocal aid agreements between the political sub-divisions of the State relating to services, supplies, and facilities in aid of civilian defense; to provide for the utilization of existing services and facilities of the State and political sub-divisions of the State in aid of civilian defense; to provide for the coordination of the State and local defense councils with the Federal government and the armed forces of the United States; to provide the method whereby the rules and regulations made pursuant to this act become effective; to provide for the immunity from liability of the State, its representatives, and employees, and any political sub-divisions, its representatives and employees, and any civilian defense worker complying with the provisions of this act; to provide for appropriations to carry out the provisions of this act; to provide penalties for the violation of this act and of the rules adopted pursuant thereto; to repeal all laws and parts of laws in conflict with the provisions of this act; and to provide when this act shall take effect and when it shall terminate.

R. T. Goodwyn, Jr.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Locke:

H. 157. To amend Section 69, Title 35, Code 1940.

Also:
By Mr. Chichester:
H. 204. To amend Section 3 of Title 30 of Code of 1940.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committee as follows:

H. 157 and H. 204, to the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:
The House has originated and passed the following bills:

By Mr. Givhan:
H. 31. To make legal in the State of Alabama any food subject to and complying with the Federal Food, Drug, and Comestic Act.

Also:
By Mr. Hooton:
H. 117. To amend Section 10 of Title 37 of the 1940 Code of Alabama.

Also:
By Mr. Walker:
H. 132. To amend Section 5, Title 17, Code 1940.

Also:
By Mr. Smyer:
H. 219. To amend Title 51, Section 425(b) of the Code of Alabama of 1940, a part of the Revenue Code, so as to include within the "deductions" therein permitted: contributions or gifts made by financial institutions to a Community Chest or to recognized religious, charitable, scientific or educational institutions or agencies, or institutions or agences for the prevention of cruelty to children or animals which are not operated for profit and the net earnings of which do not inure to the benefit of any private stockholder or individual, or contributions for vocational rehabilitation authorized by the United States Vocational Rehabilitation Act.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees as follows:

H. 31, to the Committee on Agriculture.

H. 117, to the Committee on Municipalities and Municipal Organizations.

H. 132, to the Committee on Privileges and Elections.

H. 219, to the Committee on Finance and Taxation.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the twenty-forth day and finds same correct and containing all original entries and references thereto required by the Constitution.

Jim Smith, Jr.,
Chairman.

COMMITTEE REPORT

On motion of Mr. Smith, the foregoing report was concurred in and the Journal of the Senate for the twenty-forth day approved by the Senate.

ADJOURNMENT

At 12:25 P. M., on motion of Mr. Madison, the Senate adjourned until tomorrow, Friday, May 28, 1943, at 9 A. M.

TWENTY-FIFTH DAY

Friday, May 28, 1943.

The Senate met pursuant to adjournment, Lieutenant-Governor Ellis presiding.

PRAYER

The session was opened with prayer by Rev. E. A. Childs, Dexter Avenue Methodist Church.

ROLL CALL

Present:

Messrs.:	Dodson	Kelly	St. John (Lawrence)
Benson	Espy	Kilborn	Shaver
Bentley	Garrett	Lawson	Sherrer
Black	Goodwin	Madison	Simpson
Bradford	Henderson	McCary	Smith
Carlton	High	Newton	Taylor
Cater	Hill	Pinson	Walton
Cobb	Hornsby		—29

JOURNAL

On motion of Mr. Carlton, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. McCary, indefinite leave of absence was granted Mr. Brown.

On motion of Mr. St. John (Lawrence), leave of absence was granted Mr. St. John (Cullman) for today.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House joint resolution:

H. J. R. 30. Extending invitation to Wendell Willkie to address joint session of the Legislature.

R. T. Goodwyn, Jr.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills and House joint resolution, your signature thereto is requested:

H. 85. To create and establish a State Defense Council; to provide for its organization and to define its powers and duties; to create the office of State Director of Civilian Defense; to fix his compensation and to define his powers and duties; to provide for the creation and establishment of local defense councils; to provide for their organization and to define their powers and duties; to provide for the appointment of local directors of civilian defense and to define their powers and duties and provide for their method of compensation; to authorize and empower reciprocal aid agreements between the political sub-divisions of the State relating to services, supplies, and facilities in aid of civilian defense; to provide for the utilization of existing services and facilities of the State and political sub-divisions of the State in aid of civilian defense; to provide for the coordination of the State and local defense councils with the Federal government and the armed forces of the United States; to provide the method whereby the rules and regulations made pursuant to this act become effective; to provide for the immunity from liability of the State, its representatives, and employees, and any political sub-divisions, its representatives and employees, and any civilian defense worker complying with the provisions of this act; to provide for appropriations to carry out the provisions of this act; to provide penalties for the violation of this act and of the rules adopted pursuant thereto; to repeal all laws and parts of laws in conflict with the provisions of this act; and to provide when this act shall take effect and when it shall terminate.

Also:

H. 214. To amend Section 3 of Title 54 of the Code of Alabama, 1940.

Also:

H. J. R. 30. Relative to holding a joint session of the two Houses of the Legislature of Alabama, on Monday, June 7, 1943, to hear an address by the Hon. Wendell L. Wilkie.

R. T. Goodwyn, Jr.,
Clerk.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and House joint resolution; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Montgomery, Alabama
Gentlemen:

I have appointed, subject to your confirmation, Emmett F. Hildreth, Eutaw, Alabama, as Temporary Acting Associate Members of the State Board of Pardons and Paroles, to serve while the Honorable Robert M. Hill, an Associate Member of said Board, is serving in the Military Service of the United States, as provided for in the Acts of Alabama, Special Session of 1942, approved November 20, 1942.

Respectfully,
CHAUNCEY SPARKS,
Governor.

May 28, 1943

GOVERNOR'S MESSAGE

On motion of Mr. Goodwin, the Senate confirmed the appointment of His Excellency, the Governor, of Honorable Emmett F. Hildreth, as Temporary Acting Associate Member of the State Board of Pardons and Paroles, which appointment is set out in the foregoing message from the Governor.

Yeas, 23; Nays, 0.

Messrs.:	Dodson	Kilborn	St. John (Lawrence)
Benson	Garrett	Lawson	Shaver
Bentley	Goodwin	Madison	Sherrer
Bradford	Henderson	McCary	Simpson
Carlton	High	Newton	Smith
Cater	Hornsby	Pinson	Walton

Nays: —23

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Simpson:

S. 272. To amend Section 267, Title 13, of the Code of Alabama (1940).

Committee on Judiciary.

By Mr. Lawson:

S. 273. To amend Section 27, Title 53, Code 1940.

Committee on Finance and Taxation.

By Mr. High:

S. 274. To provide that any person involved in an accident resulting in injury or death to any person shall stop and render such aid to such injured person as may be necessary; to provide for the reporting of accidents by drivers of any motor vehicle upon the highways of this State, and to provide that the failure to stop after an accident or to report such accident shall be a misdemeanor, and to fix the punishment therefor.

Committee on Public Roads and Highways.

By Mr. Kilborn (by request):

S. 275. To require operator of motor vehicle to make report of accident to director of public safety; to authorize director to suspend license and registration certificate of owner of motor vehicle until sufficient security shall have been furnished in such form as director may require, to satisfy judgment for damages resulting from such accident, such security to be applicable only to a judgment arising out of such accident if suit brought within one year thereafter; to provide for the return of such security or balance thereof to the owner; to require suspension of license and certificate upon failure of owner to pay final judgment and to require owner to file proof of ability to respond in damages for injuries caused by the operation of such motor vehicle in future; to authorize the director to restore judgment debtor's license upon showing provided; to provide on request of owner for a hearing before the director or his duly authorized agent, for a recision of order of suspension or for extension of the same; to provide for appeal by owner to circuit court or court of like jurisdiction, and to fix penalties for violation of this act.

Committee on Judiciary.

By Mr. Kilborn (by request):

S. 276. To authorize and require the suspension of operator's license and registration certificate to operate a motor vehicle for conviction of certain offenses and until operator shall have filed proof of ability to respond in damages as a condition precedent to future licensing or registration; to require the several courts or

clerks thereof to furnish to the director of public safety certified copies of judgments of conviction of operators of motor verhicles and of judgments which have been unpaid for thirty days, and to require the director in case of a nonresident to transmit a copy thereof to the appropriate officer in the state of such nonresident; to provide for the suspension of an operator's license and registration certificate upon failure to satisfy a judgment and to require the satisfaction of the judgment and filing of proof of ability to respond in damages as a condition precedent to future licensing or registration; to fix the terms and conditions under which judgments shall be regarded as satisfied and to authorized the payment of the same in installments; to relieve an operator or chauffeur of the necessity of giving proof in his own behalf; to provide for the application of the act to nonresidents; to describe the terms and conditions of insurance policies covering the operation of motor vehicles, to provide the method by which a nonresident may establish proof of ability to respond in damages and the methods by which proof of responsibility may be given, to provide for the satisfaction of judgments therefrom and to authorize cancellation and return of such proof; to authorize the director to furnish information relative to the record of an operator and proof of his ability to respond in damages; to provide for the return of license, registration certificate and number plates to the director; to prohibit the transfer of certificate of registration to defeat the purpose of his act; to except certain policies of automobile insurance from the terms of this act; to forbid the operation of motor vehicle not owned under policy covering vehicle owned; to define a motor vehicle liability policy, to provide additional requirements for the same and to authorize an insurance carrier to furnish a certificate of insurance; to authorize the director to make rules and regulations for the administration, and to provide penalties for violations of this act.

Committee on Judiciary.

By Mr. Newton:

S. 277. To Authorize the several counties to pay for the fuel used by the sheriff in preparing meals for prisoners.

Committee on Finance and Taxation.

By Mr. Cater:

S. 278. To fix the salary of the Judge of Probate of Montgomery County, Alabama, and to regulate the payment of same, and to provide for the selection of clerical help and other assistance to said Judge of Probate, and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such Judge of Probate, and to provide for an

ex-officio clerk of the Board of Registrars, and to require said Judge of Probate to pay into the County Treasury of said County, all costs and charges of courts, fees and commissions authorized by law to be collected by said Judge of Probate as other moneys belonging to said County are paid.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

is hereby given that a bill will be introduced in the Legislature of Alabama, in the 1943 Session thereof, which bill is in substance as follows:

A BILL
TO BE ENTITLED
AN ACT

To fix the salary of the Judge of Probate of Montgomery County, Alabama, and to regulate the payment of same, and to provide for the selection of clerical help and other assistance to said Judge of Probate, and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such Judge of Probate, and to provide for an ex-officio clerk of the Board of Registrars, and to require said Judge of Probate to pay into the County Treasury of said County, all costs and charges of courts, fees and commissions authorized by law to be collected by said Judge of Probate as other moneys belonging to said County are paid.

Be It Enacted By The Legislature Of Alabama:

Section 1. That the salary of the Judge of Probate of Montgomery County, Alabama, shall be six thousand dollars per annum, and an allowance for office help as follows: One chief clerk at Thirty-six hundred dollars per annum, three clerks at twenty-one hundred dollars per annum each, five clerks at sixteen hundred and fifty dollars per annum each, and one clerk at twelve hundred dollars per annum, and one of said clerks who is paid twenty-one hundred dollars per annum shall, in addition to his other duties be ex-officio clerk of the Board of Registrars, and fifteen hundred dollars per annum for other expenses and clerk hire to be paid out on warrant by the Board of Revenue on proper certificates of said Judge of Probate, and the further sum of Twelve Hundred Dollars, as ex-officio services and other contingencies to be paid to said Judge of Probate in equal Monthly installments out of the general funds of said County.

Section 2. That said Judge of Probate shall pay into the County Treasury of said County, all costs, charges of Courts, fees and commissions authorized by law, or which may hereafter be authorized by law to be collected by said Judge of Probate as other moneys belonging to said County are paid. The Courts of County Commissioners, Board of Revenue and other courts of like jurisdiction shall have the power and authority and it shall be their

duty to audit the account of said Judge of Probate for the purpose of requiring a strict compliance with the provisions of this Act.

Section 3. That all compensations and salaries of the Judge of Probate mentioned in this Act, and all allowances provided for expenses, clerical help and other assistance shall be paid out of the general fund of the County in monthly installments.

Section 4. That the premiums on said Judge of Probate bond and the bonds of his clerks shall be paid out of the general funds of said County.

Section 5. That all laws and parts of laws, general, local or special in conflict with the provisions of this Act, be and the same are hereby repealed.

Section 6. That this Act shall be effective immediately upon its approval by the Governor or upon its otherwise becoming a law.

May 6, 13, 20, 27, 1943.

PROOF OF PUBLICATION

STATE OF ALABAMA,
MONTGOMERY COUNTY

Before me, Mildred C. Eley, a Notary Public, in and for said State and County aforesaid, personally appeared Frank Nunnelee, Publisher of The Montgomery Weekly, and after being duly sworn by me, deposes and says that the attached Legal Notice was published in The Montgomery Weekly for 4 consecutive weeks, as follows: May 6-13-20-27, 1943.

That The Montgomery Weekly is a weekly newspaper of general circulation in Montgomery County, Alabama; That it is entered in the Postoffice at Montgomery, Alabama as second-class mailing matter; That it has been published for 52 consecutive weeks prior to the publication of this legal notice.

(Signed) FRANK NUNNELEE,
Publisher.

Sworn to and subscribed before me, this 28th day of May, 1943.

(Signed) MILDRED C. ELEY,
Notary Public.

By Mr. Cater:

S. 279. To fix the compensation or salary to be paid the tax collector of Montgomery County, Alabama, and to regulate the payment of same, to provide for the selection of clerical help and other assistance to said officer and the manner of fixing his compensation and paying the same, and to provide rules and regulations for the payment and conduct of such officer; and to require such officer to pay into the county treasury of said county all costs, charges of courts, fees and commissions authorized by law to be collected by said officer as other monies belonging to said county are paid, except any salary, fees or commissions paid said officer for collecting taxes for any municipality.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

is hereby given that a bill will be introduced in the Legislature of Alabama, in the 1943 Session thereof, which bill is in substance as follows:

A BILL
TO BE ENTITLED
AN ACT

To fix the compensation or salary to be paid the tax collector of Montgomery County, Alabama, and to regulate the payment of same, to provide for the selection of clerical help and other assistance to said officer and the manner of fixing his compensation and paying the same, and to provide rules and regulations for the payment and conduct of such officer; and to require said officer to pay into the county treasury of said county, all costs, charges of courts, fees and commissions authorized by law to be collected by said officer as other monies belonging to said county are paid, except any salary, fees or commissions paid said officer for collecting taxes for any municipality.

Be It Enacted By The Legislature Of Alabama:

Section 1. That the tax collector of Montgomery County, Alabama, shall be paid an annual salary, which shall be paid to and received by him in lieu of all other compensations, fees or emoluments, as follows: The tax collector shall receive an annual salary of four thousand dollars net, except as herein otherwise provided, and an allowance of fifty-eight hundred dollars per annum for office help as follows: one clerk at three thousand dollars per annum, and one clerk at eighteen hundred dollars per annum, and one thousand dollars per annum for other expenses and ex-officio services of the said tax collector. The said one thousand dollars to be paid to the tax collector in monthly installments.

Section 2. The Board of Revenue or other governing body of like jurisdiction of Montgomery County, Alabama, is also authorized and empowered to furnish the Tax Collector of said county extra clerical assistance not to exceed nine hundred dollars per annum whenever in their discretion such assistance is necessary. The personnel of said assistants to be selected by the said Tax Collector.

Section 3. That the Tax Collector shall pay into the county treasury of said county, all costs, charges of court, fees and commissions authorized by law, or which may hereafter be authorized by law to be collected by him as monies belonging to said county are paid. Provided that any salary, fees or commissions paid to said officer for collecting taxes of any municipality shall not be paid into the treasury of said county, but shall be held by said officer as compensation for such services in addition to his salary as herein provided. The Board of Revenue or other governing body of like jurisdiction of Montgomery County, Alabama, shall have the power and authority to have audited the accounts of said officer for the purpose of requiring a strict compliance with the provisions of this Act.

Section 4. That all compensation and salry of the Tax Collector and all allowances provided for expenses, clerical help and other assistance shall be paid out of the general fund of the said Montgomery County in monthly installments.

Section 5. That the premium on the Tax Collector's bond and the bonds of his clerks and deputies shall be paid out of the general fund of Montgomery County.

Section 6. That all laws or parts of laws, general, local or special, in conflict with the provisions of this act be, and the same are hereby expressly repealed.

Section 7. That this act shall go into effect immediately upon its approval by the Governor.

May 6, 13, 20, 27, 1943.

PROOF OF PUBLICATION

STATE OF ALABAMA,
MONTGOMERY COUNTY

Before me, Louise S. Champion, a Notary Public, in and for said State and County aforesaid, personally appeared Frank Nunnelee, Publisher of The Montgomery Weekly, and after being duly sworn by me, deposes and says that the attached Legal Notice was published in The Montgomery Weekly for 4 consecutive weeks, as follows: May 6-13-20 and 27, 1943.

That The Montgomery Weekly is a weekly newspaper of general circulation in Montgomery County, Alabama; That it is entered in the Postoffice at Montgomery, Alabama as second-class mailing matter; That it has been published for 52 consecutive weeks prior to the publication of this legal notice.

(Signed) FRANK NUNNELEE,
Publisher.

Sworn to and subscribed before me, this 28th day of May, 1943.

(Signed) LOUISE S. CHAMPION,
Notary Public.

REPORTS OF COMMITTEES

Mr. Shaver, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Hill:

S. 2. To create a State Planning Board and to provide for the appointment, removal, term, and compensation of the members thereof; to fix the powers, authority, and duties of the board; to provide for the appointment of a director of the board and for the selection of employees; and to make an appropriation for the maintenance and operation of the board.

By Mr. Hill:

S. 3. To repeal Sections 368 to 373 inclusive of Article 5, Chapter 10 of Title 55 of the Code of Alabama of 1940.

By Mr. Taylor:
S. 100. To Amend Section 50 of Title 8 of the Code of Alabama of 1940.

By Mr. St. John (Cullman) (with substitute):
S. 229. To amend Section 293, Title 26, Code 1940.

By Mr. McCary:
S. 267. To amend Section 257 of Title 13 of the 1940 Code of Alabama.

By Mr. Carnley:
H. 15. To provide that the officer admitting a defendant to bail shall secure the address of such defendant and the sureties on his bond.

By Mr. Carnley:
H. 16. To require the clerks of all criminal courts of record where defendant has been released on bond to give notice of the date of trial to the defendant and sureties; to provide for a fee for such services for the clerks; to provide that the failure to receive such notice shall not affect the validity of the prosecution.

By Mr. Johnston (Mobile):
H. 102. To repeal Section 202 of Title 39, Code 1940.

By Mr. Sanderson (with amendment):
H. 108. To amend Section 472, Title 51, Code 1940.

By Mr. Sightler:
H. 113. To provide for court procedure to establish the facts of birth; to prescribe the method of giving notice of such court proceedings and to confer jurisdiction of such matter on the probate courts, circuit courts, or courts of like jurisdiction; to fix the amount of court costs to be charged and to provide for the filing and recording of a certified copy of the decree of said court in the office of the judge of probate of said county; and also in the office of the Registrar of Vital Statistics of Alabama; and to provide for the issuance of delayed certificates of birth based on said decree of court in the method provided by Title 22, Section 42, Code of 1940.

By Mr. Smyer:
H. 147. To amend Section 73 of Title 34 of Code of Alabama of 1940.

Mr. Cobb, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the

following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Johnston, Stone and Sullivan (with notice and proof):

H. 105. To amend Section 3 of an act entitled: An Act "To place the Sheriff of Mobile County, Alabama, on a salary basis, and to provide the salary to be paid to such officer; to provide the date on which said officer shall be placed on a salary basis; to provide for the manner of payment of said salary of such officer out of the County Treasury of Mobile County, Alabama; to provide deputies, clerks, guards and other assistants for such officer and to provide the salaries and manner of payment of such salaries for such deputies, clerks, guards and other assistants; to provide for payment into the Treasury of Mobile County, Alabama, of all fees, fines and forfeitures collected by said officer; and to provide for the necessary equipment and supplies for said officer."

By Messrs. Stone, Johnston and Sullivan (with notice and proof):

H. 94. To authorize the Sheriff of Mobile County, Alabama, to select and appoint an attorney to advise and counsel him on the operation of such office and to handle all legal matters pertaining to said office; to provide for the manner of the appointment of such attorney, the term of office of such attorney; to provide for the salary of such attorney and the method of payment of such salary.

Mr. Simpson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Norman (Bullock):

H. 237. To further provide for the general revenue of the State of Alabama.

RESOLUTIONS

The Rules Committee offered the following Senate joint resolution, to-wit:

S. J. R. 32. BE IT RESOLVED BY THE SENATE, the House concurring, that when the two houses adjourn today, they adjourn to meet again on Monday, May 31st., 1943 at 10 o'clock A. M.

Which was adopted.

Mr. Kilborn offered the following Senate resolution, to-wit:

S. R. 33. RESOLVED by the Senate of the State of Alabama, in session assembled, that the War Production Board and such other authorities as may have concurred in the announced proposal to take over the car manufacturing plant of the Pullman Standard Car Manufacturing Company at Bessemer for the purpose of housing machinery for the extrusion of aluminum be requested to give full consideration to the fact that the existing plant is engaged to full capacity in war production, is organized and equipped to continue the operation of its car manufacturing business upon the cessation of the war effort, is one of the principal industries in the Birmingham area processing into finished product the raw materials of that region, and that the taking over of the plan for the purposes proposed would sacrifice and destroy a permanent business for no other purpose than to provide a roof and walls for the processing of aluminum.

RESOLVED, further, that the federal authorities are assured of the full cooperation of public agencies and citizens within the State of Alabama in the matter of the establishment of the proposed aluminum processing unit, but are desirous of avoiding what is obviously an unnecessary sacrifice of one of the most important industrial units in the State fully equipped to assist in the postwar economy and assured of a market for its production if it is not dismantled as threatened by the public announcement.

Be it further resolved that the Senate of Alabama does protest the action of the War Production Board in this regard and calls upon it to reconsider and rescind its action and asks that this plant for processing of Aluminum be located elsewhere within the State than in the plant of the Pullman Car Manufacturing Company at Bessemer and that a copy of this resolution be sent to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the National Congress, the two Senators and the congressmen from Alabama and the Chairman of the War Production Board.

Which was read and referred to the Standing Committee on Rules.

Mr. Kelly offered the following Senate joint resolution, to-wit:

S. J. R. 34. BE IT RESOLVED by the Senate, the House concurring that a joint committee to be composed of three members of the House and two from the Senate be appointed by the Presiding officers of the respective bodies for the following purpose:

To collect data and evidence from the judges, clerks and other interested parties as to case Load, population served and other factors that enter into the courts rendering the greatest possible service at the least possible cost to the State; and for the committee to make such recommendations as it deems necessary to this Legislature at its next regular session; as to the composition of the circuits, the number of judges in such circuits or other subject matter Germane.

To meet this end the committee is given authority to summon witnesses under penalty now prescribed by law or to compell the production of any record or other information or transcript thereof, under such penalties and provisions as now required by law.

This committee is limited to the amount of $150 in the amount it may expend.

This resolution shall take effect on or upon its approval of the Governor.

Which was read and referred to the Standing Committee on Rules.

The Rules Committee offered the following Senate resolution, to-wit:

S. R. 35. Be it resolved that the following bills be made Special Orders at the call of the calendar on the next Legislative Day.

Local Bills:
H. 237.
H. 193.
H. 186.
H. 170.
H. 168.
H. 185.
H. 169.
S. 22.
H. 128.
S. 225.
S. 174.
S. 64.
S. 66.
S. 219.
H. 79.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the bill:

By Mr. Norman of Bullock:

H. 25. To amend Section 784, Title 51, of the 1940 Code of Alabama.

R. T. Goodwyn, Jr.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Smyer:

H. 150. To fix the salary of the Register of the Circuit Court of the Tenth Judicial Circuit of Alabama, (Jefferson County) and to regulate the payment of the same.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that the following bill will be introduced at the 1943 session of the Legislature of Alabama:

A BILL
TO BE ENTITLED
AN ACT

To fix the salary of the Register of the Circuit Court of the Tenth Judicial Circuit of Alabama (Jefferson County) and to regulate the payment of the same.

Be it Enacted by the Legislature of Alabama:

Section 1. That the Register of the Circuit Court of the Tenth Judicial Circuit of Alabama, in Equity, shall receive a salary of Forty-eight Hundred Dollars ($4,800.00) per annum, which said salary shall be paid out of the County Treasury of Jefferson County, Alabama, in equal monthly installments and shall be in lieu of all other compensation, fees or emoluments.

Section 2. That all laws, general, local or special, in conflict with this Act be and the same are hereby repealed.

Section 3. This act shall go into effect upon its approval by the Governor.

The Call—March 27; April 3, 10, 17, 1943.

STATE OF ALABAMA,
Jefferson County

Personally appeared before me, the undersigned authority, Geo. M. Howle, who first being duly sworn by me, deposes and says on oath that he is the Editor for The Weekly Call, a weekly newspaper published in said State and County, and that the notice, a true copy of which is hereto attached, was published in The Weekly Call, once a week for four consecutive weeks, commencing on the 27th day of March, 1943.

GEO. M. HOWLE.

Subscribed and sworn to before me on this the 21 day of April, 1943.
(Seal) MOLLIE DAFFIN, Notary Public.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. 150, to the Committee on Local Legislation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has adopted the following Senate joint resolution:

By Rules Committee:

S. J. R. 32. BE IT RESOLVED BY THE SENATE, the House concurring, that when the two houses adjourn today, they adjourn to meet again on Monday, May 31st, 1943 at 10 o'clock A.M.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The Senate concurred in the following House amendment to the resolution, S. J. R. 32, which is set out in the foregoing Message from the House, to-wit:

Amend Senate Joint Resolution 32, by Rules Committee, by striking out the words "at 10 o'clock A.M.", and by inserting where the words "Monday May 31st" appear, the words "Tuesday, June 1".

CONSIDERATION OF SPECIAL ORDERS

The calendar having been reached in order of business, the Senate proceeded to consideration of the Special Orders for today, the first of which was the bill:

S. 156. To provide for relief of individuals, partnerships and corporations engaged in business in which stocks of merchandise are now or may have been frozen by orders of Office of Price Administration or other federal governmental agencies for war emergency from ad valorem taxation, and to provide for the time for which such relief shall extend or cover.

The Standing Committee on Finance and Taxation offered the following amendment to the bill, to-wit:

To amend Section 1 of Senate Bill No. 156 to read as follows:

SECTION ONE That all stocks of merchandise consisting of motor vehicles, automobiles and trucks in the hands of any person, firm or corporation in the State of Alabama irrespective of whether or not said merchandise is owned outright or held under trust receipt; or other evidence of ownership which is frozen against sale by or under orders of the office of the Price Administration, or other governmental agency, shall be exempt from levy of ad-valorem taxes for the duration of time for which said merchandise remains frozen under any such Federal Government order.

Mr. Simpson offered the amendment to the Committee amendment, to-wit:

To Amend Com. Amendment to S. B. 156 by adding after the words "That all stocks of merchandise" where same occur together therein be added the following additional words, "held for resale" and after the words "in the State of Alabama" where the same occur therein together the following words "who is a licensed dealer in automobiles"

Which was adopted.

And the committee amendment, as amended, was then adopted.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:	Cobb	Henderson	Madison
Benson	Dodson	High	McCary
Bentley	Espy	Hornsby	Newton
Bradford	Garrett	Kilborn	Pinson
Carlton	Goodwin	Lawson	St. John (Lawrence)

Shaver	Simpson	Smith	Walton	
Sherrer				—24

Nays: —0

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 25; Nays, 0.

Messrs.:	Espy	Lawson	Shaver	
Benson	Garrett	Madison	Sherrer	
Bentley	Goodwin	McCary	Simpson	
Bradford	Henderson	Newton	Smith	
Carlton	Hornsby	Pinson	Taylor	
Cobb	Kelly	St. John (Lawrence)	Walton	
Dodson	Kilborn			—25

Nays: —0

The bill:

S. 123. To give the Department of Conservation full jurisdiction and control over all fresh water fishes in the public impounded waters of Alabama and the authority to make and enforce all rules and regulations subject to the approval of the Advisory Board of Conservation, which shall have the force and effect of law, for the protection, propagation and conservation of same, including the right to prescribe the manner and means of taking or catching or attempting to take or catch in the public impounded waters, the time when and the places from which said fresh water fishes may be taken or caught. To prescribe the size and for the measurement of trotlines, setlines, or snaglines, or seines and of different kinds of nets and other fishing devices that may be used in fishing in public impounded waters; to license and define any and all kind of fishermen or dealers in fresh water fish and to require a license for fishing, or dealing by retail, wholesale or otherwise in fresh water fish taken from public impounded waters and to provide for the issuance of said licenses and for the disposition of the amount charged for said licenses; to define commercial fishing gear or devices; to regulate the time, manner and means for shipping or transporting fresh water fishes taken from public impounded waters within or without the boundaries of this state and to require the marking of all such fish shipped or transported within this state in packages or containers and to make it unlawful for any person, firm or corporation to accept for shipment or transportation any package or container of such fish unless it is marked as prescribed in this Act; to prescribe the size and kind of said fish that may be taken or caught and the manner and means of catching the same in public impounded waters; to require the

marking of certain fishing devices and the marking of the location where certain fishing devices or fishing material is being used in fishing; to make it unlawful to catch fresh water fish in public impounded waters by use of any unlicensed fishing devices, tackle or material and to authorize the confiscation and disposition of all fishing devices and material and fish and fish containers used or held in possession by any person, firm or corporation unlawfully, and to provide for the revocation or suspension of licenses for failure to comply with the terms of this Act; to provide for records to be kept by commercial fishermen and other dealers in such fish and for reports to be made by commercial fishermen and other dealers in fish to the Director of Conservation and for the audit of such records; to see that all fishing licenses and taxes are paid; to give the Department of Conservation authority to cooperate and contract with the fish and wildlife service of the Department of the Interior of the United States Government and any other branch of the Government of the United States and with the Tennessee Valley Authority and with any other person, firm or corporation in carrying out the provisions of any Act of Congress for the sale, distribution or propagation of all fishery products, and the extension of the producing areas thereof; to provide that a violation of any of the provisions of this Act or regulations based thereunder shall be a misdemeanor and to provide for penalties for violations of this Act and to repeal all laws and parts of laws, general, special and local, in conflict with the provisions of this Act.

Was taken up.

Mr. St. John of Lawrence offered the following substitute for the bill, to-wit:

A BILL

TO BE ENTITLED

AN ACT

To give the Department of Conservation full jurisdiction and control over all fresh water fishes in the public impounded waters of Alabama and the authority to make and enforce all rules and regulations subject to the approval of the Advisory Board of Conservation, which shall have the force and effect of law, for the protection, propagation and conservation of same, including the right to prescribe the manner and means of taking or catching or attempting to take or catch in the public impounded waters, the time when and the places from which said fresh water fishes may

be taken or caught. To prescribe the size and for the measurement of trotlines, setlines, or snaglines, or seines and different kinds of nets and other fishing devices that may be used in fishing in public impounded waters; to license and define any and all kind of fishermen or dealers in fresh water fish and to require a license for fishing, or dealing by retail, wholesale or otherwise in fresh water fish taken from public impounded waters and to provide for the issuance of said licenses and for the disposition of the amount charged for said licenses; to define commercial fishing gear or devices; to regulate the time, manner and means for shipping or transporting fresh water fishes taken from public impounded waters within or without the boundaries of this state and to require the marking of all such fish shipped or transported within this state in packages or containers and to make it unlawful for any person, firm or corporation to accept for shipment or transportation any package or container of such fish unless it is marked as prescribed in this Act; to prescribe the size and kind of said fish that may be take nor caught and the manner and means of catching the same in public impounded waters; to require the marking of certain fishing devices and the marking of the location where certain fishing devices or fishing material is being used in fishing; to make it unlawful to catch fresh water fish in public impounded waters by use of any unlicensed fishing devices, tackle or material and to authorize the confiscation and disposition of all fishing devices and material and fish and fish containers used or held in possession by any person, firm or corporation unlawfully, and to provide for the revocation or suspension of licenses for failure to comply with the terms of this Act; to provide for records to be kept by commercial fishermen and other dealers in such fish and for reports to be made by commercial fishermen and other dealers in fish to the Director of Conservation and for the audit of such records; to see that all fishing licenses and taxes are paid; to give the Department of Conservation authority to cooperate and contract with the fish and wildlife service of the Department of the Interior of the United States Government and any other branch of the Government of the United States and with the Tennessee Valley Authority and with any other person, firm or corporation in carrying out the provisions of any Act of Congress for the sale, distribution or propagation of all fishery products, and the extension of the producing areas thereof; to provide that a violation of any of the provisions of this Act or regulations based thereunder shall be a misdemeanor and to provide for penalties for violations of this Act and to repeal all laws and parts of laws, general, special and local, in conflict with the provisions of this Act.

Be it Enacted By The Legislature of Alabama:

Section 1. JURISDICTION AND AUTHORITY OVER INLAND FISHERIES: The Department of Conservation shall have full jurisdiction and control over all fresh water fishes existing and living in the public waters of Alabama, and it shall with the approval of the Advisory Board of Conservation, ordain, promulgate, and enforce all rules, regulations, and orders deemed by it to be necessary for the protection, propagation, or conservation of same; the Department may, by order duly made, prescribe the manner of taking or catching, the kind that may be taken and the size and amount, the time when, and designate the place from which fresh water fishes may or may not be taken or caught in public impounded waters, during certain periods of the year as it may deem to be for the best interest of the inland fisheries. It shall have full authority to prohibit the catching or taking of fresh water fishes from any public impounded waters designated by it, by order duly made and promulgated, during entire open seasons, or any part thereof, and may open and close areas, or portions thereof, to fishing at any time deemed by it to be to the best interest of the public welfare. It shall receive and audit the reports of all commercial fishermen operating in the inland public impounded waters, and the accounts of all inspectors, and employees, and members of said Department, and all expenses incident to carrying into effect this Act, and shall see that all taxes and license fees are paid, that the inspectors and other officers and employees faithfully discharge their duties, and that all provisions of this Act are properly complied with and enforced, and the Director shall hear the complaints of any person aggrieved by the action of any officer. It shall have authority to cooperate with the Fish and Wildlife Service of the Department of Interior of the United States Government, or any other Department or branch of the United States Government, and with the Tennessee Valley Authority, in carrying out the provisions of any Act of Congress for the sale, distribution, or propagation of all fishery products, and the extension of the producing areas thereof. It shall have authority to make rules and regulations requiring all catchers, factories, purchasers, dealers, or any persons dealing in fishes taken from public impounded waters to make reports to the Department containing the pounds of each species of fish caught, or sold, and any other information said Department may require; to designate the dates for opening and closing of the seasons for catching such fishes, and the waters from which same may be taken.

Section 2. USE OF CERTAIN NETS, SEINES, ETC: The use of hoop or fyke nets, gill nets, seines, pound nets, and trap nets

is permitted in all public impounded waters of this state, provided that no hoop or fyke net, gill net, pound net, trap net or seine over 10 feet in length, shall be used within one-half mile of any dam whose purpose is to impound these waters. Any lawful officer authorized or designated by law to enforce the game and fish laws of the state, shall confiscate and hold for evidence in the courts of this state all fishing devices mentioned in this section when same are being used in public impounded waters of this state in which such devices are not permitted, and upon conviction of any person for using same said devices shall become the property of the Department of Conservation of the State of Alabama and may be disposed of by said Department as it deems proper. In the event no one claims said devices, and the owner thereof is unknown to the officer finding such devices, the same may be immediately disposed of in such manner as the Director of Conservation may direct. Should said devices be sold, the proceeds from the sale thereof shall go to the Department of Conservation and be used by it for the administration of its Division of Game, Fish and Seafoods. Any violation of the provisions of this section shall constitute a misdemeanor and upon conviction the person so violating shall be fined not less than $25 and not more than $100.

Section 3. COMMERCIAL FISHING GEAR: Setline for trotlines, snaglines, fyke nets, gill nets, pound nets, trap nets, and seines over 10 feet long and 4 feet deep are hereby designated as commercial fishing gear. Commercial fishing gear shall be used in public impounded waters when, where and as specified by the Director of Conservation.

Section 4. COMMERCIAL FISHING AND FISH RETAILERS LICENSE: All persons handling or using commercial fishing gear for the purpose of taking fresh water fish in the public impounded waters of the state shall have in their possession a fish catchers or retailers license, issued by the Director of Conservation or persons designated by him. All persons retailing such fish or selling such fish to fish dealers shall have in their possession the fish catchers or retailers license. Every such license shall expire on September 30 each year, and the fee for such license shall be $1.00 for residents and $10.00 for non-residents. Any violation of the provisions of this section shall constitute a misdemeanor and upon conviction the person so violating shall be fined not less than $25 and not more than $100.

Section 5. LICENSING OF WHOLESALE FISH MARKETS: Every person, firm, company, co-partnership, partnership, association, or corporation who deals in fresh water fish taken from the public impounded waters by operating a wholesale fish market or fish house, or who solicits the purchase of or buys such

fish for wholesale distribution shall secure a license from the Director of Conservation or persons designated by him. Every such license shall expire on the 30th day of September and the fee for such license shall be $10.00 for residents and $50.00 for non-residents. Any violation of this provision shall constitute a misdemeanor and upon conviction the person so violating shall be fined not less than $50 and not more than $200 for for each offense.

Section 6. REGULATIONS FOR THE USE OF TROT OR SETLINES AND SNAGLINES: Each trot or setline and snaglines used in the public impounded waters shall be marked with the owners name, address and license number or numbers attached to the stake, float, or buoy to which the line is anchored. Each person using trot or setlines and snaglines in the public impounded waters shall secure a license for use of same from the Director of Conservation or his representatives. Each such license shall expire on the 30th day of September and the fee for such license shall be $.50 for each 100 hooks used or 100 lineal feet of line or less. Failure to comply with the provisions of this section shall constitute a misdemeanor and upon conviction the person so violating shall be fined not less than $25 or more than $100 for each offense.

Section 7. REGULATIONS FOR HOOP OR FYKE NETS: Hoop or fyke nets may be fished with or without wings or lead but no net shall block any stream by extending more than half way across any stream. The size of the mesh of said nets used in public impounded waters must conform to the size prescribed by the rules and regulations of the Director of Conservation. Each person using or operating hoop or fyke nets in the public impounded waters shall be required to have a license to use their net or nets. The license shall be $1.50 for the first net and $1.00 for each additional net. Every such license shall expire on the 30th day of September. Failure to comply with the provisions of this section shall constitute a misdemeanor and upon conviction the person so violating shall be fined not less than $25 nor more than $100 for each offense.

Section 8. REGULATIONS FOR SEINES: The size of the mesh of all seines used in the public impounded waters must conform to that prescribed by the rules and regulations of the Director of Conservation. There shall be a license fee of $5 for any seine more than ten feet in length but not exceeding a length of 100 feet, and a fee of $1 for each additional 100 feet of seine or fraction thereof when part of a seine exceeding 100 feet in length when such seine is used in the public impounded waters. Each 100 feet of seine or fraction thereof shall be licensed and the license number shall be conspicuously painted on a buoy or float fastened to the

seine. The operator of a seine in the public impounded waters shall have his license with him at all times. There shall be no seining in the public impounded waters during the closed season on game fish. Failure to comply with the provisions of this section shall constitute a misdemeanor and upon conviction the person so violating shall be fined not less than $25 or more than $100 for each offense and his seine or commercial fishing gear shall be confiscated and become the property of the Department of Conservation of the State of Alabama and may be disposed of by said Department as it deems proper. In the event no one claims said devices and the owner thereof is unknown to the officer finding such devices, the same may be immediately disposed of in such manner as the Director of Conservation may direct. Should said devices be sold, the proceeds from the sale thereof shall go to the Conservation Department and shall be used by it for the administration of its Division of Game, Fish and Seafoods.

Section 9. REGULATIONS FOR THE USE OF GILL NETS: The size of the mesh of all gill nets in the public impounded waters must conform to that prescribed by the rules and regulations of the Director of Conservation. There shall be a license fee of $1 for any gill net not exceeding 500 feet in length and a fee of $.50 for the next 500 feet of gill net or fraction thereof when part of a net exceeding 500 feet in length when used in the public impounded waters. There shall be a fee of $1.00 for each additional 1,000 feet of gill net or fraction thereof when used as part of the same net which net shall exceed at least 1,000 feet when used in the public impounded waters. Every such license shall expire on the 30th day of September of each year. Failure to comply with the provisions of this section shall constitute a misdemeanor and upon conviction the person so violating shall be fined not less than $25 or more than $100 and the commercial fishing gear being illegally used shall be seized and confiscated and shall become the property of the Department of Conservation and may be disposed of by the Director of Conservation in such manner as he deems proper. In the event no one claims said devices and the owner thereof is unknown to the officer finding such devices, the same may be immediately disposed of in such manner as the Director of Conservation may direct. Should said devices be sold, the proceeds from the sale thereof shall go to the Conservation Department and shall be used by it for the administration of its Division of Game, Fish and Seafoods.

Section 10. REGULATIONS FOR POUND AND TRAP NETS: The size of the mesh of all pound nets and trap nets used in the public impounded waters shall conform to that prescribed by

the rules and regulations of the Director of Conservation and when in conformity therewith shall be legal for the taking of fish in the public impounded waters of the state. There shall be a license fee of $5 for each pound or trap net and every such license shall be issued by the Director of Conservation or persons designated by him. Each such license shall expire on the 30th day of September of each year. Failure to comply with the provisions of this section shall constitute a misdemeanor and upon conviction the person so violating shall be fined not less than $25 nor more than $100. The pound or trap net so involved may be seized and confiscated and shall become the property of the Department of Conservation as he deems proper. Should said devices be sold, the proceeds from the sale thereof shall go to the Conservation Department and shall be used by it for the administration of its Division of Game, Fish and Seafoods.

Section 11. MEASUREMENT OF THE MESH OF ALL NETS AND SEINES: The measurement of the mesh of all nets and seines shall be extension measure. The size of the mesh of all nets or netting used in fishing in the public impounded waters shall be determined by the extension measure and the measurement shall be made of meshes irrespective of where the net or netting is found, whether in the water, on boat, on reel, on dock, or in any other place on land. Extension measure shall mean the distance between the extreme angles of any single mesh and such measurement shall be taken between and inside the knots. All measurements of the mesh in gill nets or gill netting shall be made in the mesh parallel with the salvage and at least three meshes removed from it. If the majority of 10 or more meshes selected at random by the enforcement officer from any part or parts of the gill nets or other nets used in commercial fishing in the public impounded waters are found to be unlawful the nets shall be seized and confiscated and shall become the property of the Department of Conservation of the State of Alabama and may be disposed of by said Department as it deems proper. Should said devices be sold, the proceeds from the sale thereof shall go to the Conservation Department and shall be used by it for the administration of its Division of Game, Fish and Seafoods.

Section 12. MARKING THE LOCATION OF NETS AND DEVICES: It shall be unlawful for any person, firm, co-partnership, association or corporation to set or use setline, snaglines, hoop nets, fyke nets, gill nets, pound nets, and trap nets in any of the public impounded waters of the state without marking their location by buoys or floats and identifying such nets by showing the license number in plain figures upon the buoys or floats. The

license number must be attached to all gill net buoys used in the public impounded waters, and at least on such buoy shall bear the name and address of the owner. License numbers are to be attached to the stakes at the heart or pot of pound nets; to the lifting buoy of trap nets where the heart and pot is set below the surface of the water in public impounded waters. Failure to comply with the provisions of this section shall constitute a misdemeanor and upon conviction the person so violating shall be fined not less than $25 or more than $100 for each offense. All fishing devices being used contrary to the provisions of this section shall be seized and confiscated and shall become the property of the Department of Conservation and may be disposed of as the Director of Conservation may direct. In the event any or all of said devices are sold the proceeds of the sale shall go to the Department of Conservation and shall be used for the administration of its Division of Game, Fish and Seafoods.

Section 13. DAILY REPORT OF CATCH; FAILURE TO MAKE MONTHLY REPORT: Every person, firm, co-partnership, association or corporation taking fresh water fish by the use of commercial fishing gear in any of the public impounded waters of the state shall keep an accurate report of each day's catch upon blanks furnished by the Director of Conservation, of the number of pounds of each kind of fish taken, of the locality, fished, of the kind and amount of fishing gear employed, of the length of time each unit of gear employed fished without being lifted and of such other data as the Director of Conservation may require in following the trend of the fisheries, and shall each month report under oath, the above data to the Director of Conservation. Any person, firm, co-partnership, association, or corporation whose report for the preceding month is not received by the Director at his office at Montgomery, Alabama, on or before the fifteen day of the month following, shall be considered delinquent and notice to that effect shall be mailed such delinquent person, firm, co-partnership, association, or corporation by said Director. Failure to submit a report within 30 days after the close of the month for which a report is required shall be considered as intent to violate the provisions of this section. The license of any person, firm, co-partnership, association, or corporation who fails to submit all reports within 30 days after notification by said Director as provided herein may be suspended by the Director of Conservation until such time as the delinquent reports are submitted to him. The nets for which a license is suspended shall not be used for commercial fishing by any person, firm, co-partnership, association or corporation until the suspension has been lifted and the license restored. Any person, firm, co-partnership, association, or corporation failing to make the

report or reports as above described shall be denied a new license or a renewal of his or their license until the provisions of this section have been complied with.

Section 14. SIZE LIMIT ON CATFISHES AND OTHER FISH: It shall be unlawful for those engaged in commercial fishing in the public impounded waters to take by commercial gear or to have in possession any channel cat, blue cat, yellow cat, or any other fish less in size than prescribed by the rules and regulations of the Director of Conservation of the State of Alabama. It shall be unlawful for any person or persons engaged in lifting pound nets, trap nets or other commercial fishing gear in public impounded waters of this State to take from said waters any of said undersized fish, and all such undersized fish found in such commercial gear used in said waters shall be immediately returned to said waters with as little injury as possible by the person or persons lifting the gear. Failure to comply with the provisions of this Section shall constitute a misdemeanor and upon conviction the person so violating shall be fined not less than $10.00 nor more than $50.00 for each offense.

Section 15. UNLAWFUL TO TAKE GAME FISHES WITH COMMERCIAL FISHING GEAR: It shall be unlawful for any person to take or catch with any kind of commercial fishing gear used in commercial fishing in any public impounded fresh waters of the state any largemouth bass, smallmouth bass, white bass, yellow bass, pickerel, walleyed pike, sauger, black crappie, white crappie, bluegill or sunfish or to offer for sale or to have in possession at any time any of the said fish taken in such manner. Any such fish whether dead or alive shall be at once returned to the waters from whence taken by the person or persons taking same. All such live fish so taken shall be handled carefully and shall immediately be liberated and returned to the water with as little injury as possible. Any person violating any of the provisions of this Act shall upon conviction be punished by a fine of not less than $25 nor more than $100 and cost of prosecution, or imprisonment in the county jail for not more than 30 days; or by both such fine and imprisonment in the discretion of the court. In all cases all commercial fishing gear used by any person so convicted shall be seized and confiscated by the state and shall become the property of the Department of Conservation of the State of Alabama and may be disposed of by said Department as it deems proper. In the event no one claims said commercial fishing gear and the owner thereof is unknown to the officer finding the same it shall be confiscated by said officer and shall become the property of the Department of Conservation and may be disposed of as the Director of Conservation may direct. Should said

devices be sold, the proceeds from the sale thereof shall go to the Conservation Department and shall be used by it for the administration of its Division of Game, Fish and Seafoods, and all licenses held by any such person to fish commercially and operate or use commercial fishing gear shall be rescinded and new license shall be granted only at the discretion of the Director.

Section 16. SHIPMENT; MARKING; COMMON CARRIER: It shall be unlawful for any person, firm, company, partnership, co-partnership, association or corporation to ship or transport within this state any fish taken in the public impounded waters in packages or containers without plainly and correctly marking each package or container with the name of the consignor and the kinds of fish therein. It shall be unlawful for any railroad company, boat line, express company, motor truck company, or other transportation company or common carrier, or any agent of any such company, or the owner of any boat, aeroplane, car, truck or other vehicle operated privately or as a common carrier, or for the agent or representative of such owners to accept for shipment or transport any package or container of fish taken in the public impounded waters unless it is properly marked as prescribed in this section. The presence in any package or container of any fish that is illegal to ship shall make the entire contents of said package or container subject to seizure as an illegal shipment, and may be confiscated by the Director of Conservation or any of his agents and may be immediately disposed of by donating the same to charity or in any other manner as the Director of Conservation may see fit. Should the same be sold, the proceeds of such sale shall go to the Conservation Department and shall be used by it for the administration of its Division of Game, Fish and Seafoods. However nothing in this section shall apply to the transportation within the State of fish taken by hook and line fishing, bait casting or fly fishing, or to the transportation of fish taken from private waters.

Section 17. ISSUANCE OF LICENSES: The judge of probate, the commissioner, licenses or such person or persons not residing at the county seat in which the county court house is located, and duly appointed by the Director of Conservation, and so authorized by him, shall have authority to issue all licenses, resident or non-resident, to all persons complying with the provisions of this Act, and shall sign his name, and shall require the person to whom the license is issued to sign his name on the margin thereof. The person or persons issuing said license shall keep in a book or on specially prepared sheets to be furnished by the Director of Conservation a correct and complete record of all licenses issued,

which record shall remain in his office and be open to inspection by the public at all reasonable times.

Section 18. FEES OF ISSUING OFFICERS; DISPOSITION OF REMAINDER; REPORTS: Judges of Probate and other persons authorized and designated to issue licenses shall retain out of the money received for each license issued under the provisions of this Act fifteen cents for each license issued, which amount shall cover services required by the provisions of this Act, and shall remit the balance to the Director of the Department of Conservation on the first of each month. Said judges of probate and all other duly authorized and designated persons shall report to the Director of the Department of Conservation of the State of Alabama on the first day of each month the number and kind of licenses issued under this Act and the name and post office address of the person or persons to whom issued, giving opposite each name the serial number of the license so issued, and the amount of money remitted. Provided, however, that if any such license is issued by the Director of Conservation or by any Probate Judge or other officer who is paid in a salary for the performance of his duties as such officer, he shall be required to remit the entire amount collected to the Director of Conservation, except that the fifteen cents for each license issued shall be paid into the general fund of county in which it is issued.

Section 19. The proceeds from the sale of all licenses required by any of the provisions of this Act and all other proceeds arising under this Act shall go to the Department of Conservation and shall be used by such Department for the administration of its Division of Game, Fish and Seafoods except as may otherwise be provided by law.

Section 20. All laws or parts of laws, general, special or local, in conflict with this Act are hereby repealed.

Section 21. If any provision of this Act or the application thereof to any person, situation or circumstance shall be adjusted invalid, such adjudication shall not affect the remaining provisions nor the application of the provision with respect to which such adjudication was made, to any other person, situation or circumstance.

Section 22. This Act shall take effect immediately upon its passage and approval by the Governor.

Mr. Smith offered the following amendment to the substitute for the bill, to-wit:

Amend substitute to S. B. 123—Add Section 18½ to read as follows:

Section 18½. It shall be unlawful for any person not authorized by the owner of any net, trap, seine or other device authorized under the provisions of this bill for the taking of fish, to move, raise, disturb, or otherwise tamper with any such net, trap, seine, or other device for the taking of fish. Any person convicted of violating the provisions of this Section shall be guilty of a misdemeanor and shall be punished by fine of not less than $10.00 nor more than $100.00, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months, at the discretion of the court trying the case.

Which was adopted.

And the substitute for the bill, as thus amended, was then adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:	Cobb	Hornsby	Shaver	
Benson	Dodson	Kilborn	Sherrer	
Bentley	Espy	Lawson	Simpson	
Black	Garrett	Madison	Smith	
Bradford	Henderson	McCary	Taylor	
Carlton	High	Pinson	Walton	
Cater	Hill	St. John (Lawrence)		—26

Nays: —0

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:	Cobb	Hill	St. John (Lawrence)	
Benson	Dodson	Hornsby	Shaver	
Bentley	Espy	Kilborn	Sherrer	
Black	Garrett	Lawson	Simpson	
Bradford	Goodwin	Madison	Smith	
Carlton	Henderson	Newton	Taylor	
Cater	High	Pinson	Walton	
				—27

Nays: —0

The bill:

S. 125. To Repeal Section 71 of Title 8 of the Code of Alabama of 1940.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 21; Nays, 0.

Yeas:

Messrs.:	Cater	Hill	St. John (Lawrence)
Benson	Cobb	Kilborn	Sherrer
Bentley	Dodson	Madison	Simpson
Black	Espy	McCary	Taylor
Bradford	Goodwin	Pinson	Walton
Carlton	High		

—21

Nays: —0

The bill:

S. 137. To authorize and create an additional judge of the Fourth Judicial Circuit of Alabama and to provide for his election, jurisdiction, powers, authority and qualifications, to render him liable to all the pains and penalties of the other Circuit Judges of the State, and to provide for the salary of said judge.

As amended by the Substitute adopted on the 15th day, was taken up:

Mr. Sherrer offered the following amendment to the substitute, for the bill, to-wit:

Amend Substitute for Senate Bill # 137 by adding thereto Sections 4 and 5 to read as follows:

Section 4. That all laws and parts of laws in conflict with any of the provisions of the foregoing are hereby repealed.

Section 5. That if any part or parts of foregoing bill shall be held unconstitutional, it shall not affect the remainder of said act.

Which was adopted.

Yeas, 24; Nays, 1.

Yeas:

Messrs.:	Cobb	Kelly	St. John (Lawrence)
Benson	Dodson	Kilborn	Shaver
Bentley	Espy	Lawson	Sherrer
Black	Goodwin	Madison	Simpson
Bradford	Hill	McCary	Taylor
Carlton	Hornsby	Pinson	Walton
Cater			

—24

Nay: Mr. Henderson —1

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 27; Nays, 2.

Yeas:

Messrs.:	Cobb	Hornsby	St. John (Lawrence)
Benson	Dodson	Kilborn	Shaver
Bentley	Espy	Lawson	Sherrer
Black	Garrett	Madison	Simpson
Bradford	Goodwin	McCary	Smith
Carlton	High	Newton	Taylor
Cater	Hill	Pinson	Walton

—27

Nays: Messrs.: Henderson and Kelly —2

BILLS ON THIRD READING

The bill:

S. 264. To amend Section 86 of Title 28 of the 1940 Code of Alabama.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:	Cobb	High	Pinson
Benson	Dodson	Hill	St. John (Lawrence)
Bentley	Espy	Hornsby	Shaver
Black	Garrett	Kilborn	Simpson
Bradford	Goodwin	Lawson	Smith
Carlton	Henderson	McCary	Taylor
Cater			

—24

Nays: —0

The bill:

H. 164. To exempt assistance grants to dependent children from levy, garnishment, attachment and all taxes.

Was read a third time at length and passed.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:	Dodson	Hornsby	St. John (Lawrence)
Benson	Espy	Kilborn	Shaver
Bentley	Garrett	Lawson	Simpson
Black	Goodwin	Madison	Smith
Bradford	Henderson	McCary	Taylor
Cater	High	Pinson	Walton
Cobb	Hill		

—25

Nays: —0

The bill:

H. 374. To create, establish and regulate a Court of record in and for Elmore County, Alabama, to be known as and be called "Court of Common Pleas of Elmore County"; to provide and define the criminal and civil jurisdiction of said Court, and the terms thereof; to provide for the Judge and other officers of said Court, their powers, duties and compensation, to fix the term of office for such Judge, the manner and time of his selection and election; to provide for his successor in case of a vacancy; to fix the fees and costs in said Court; to provide for the creation of two divisions of said Court to be known and called "The Tallassee Division" and "The Wetumpka Division"; to provide for the holding of terms and sessions thereof of said divisions; to provide for the method and manner of instituting civil and criminal proceedings therein, and the procedure therein; to provide for the rules of procedure for said Court and the operation thereof; to provide for and regulate appeals from said Court; to provide for the registration of Judgments rendered in and by said Court, and the effect thereof, and liens of its judgments, and the issuance of process thereon; to provide and designate the time and place at which each session of said Court in each division thereof shall be held; to provide for an office of the Judge of said Court; to provide for the necessary office fixtures, stationery, stamps, telephone, lights, heat, and other necessary supplies for the Judge of this Court; to provide for the necessary office supplies for the Clerk of this Court; to provide for official bond of the Clerk of said Court and the payment of the premium thereon; to abolish the Inferior Court of Elmore County and the County Court of Elmore County; to provide for the transfer of all cases now pending in the Inferior Court of Elmore County together with the record of such pending cases to the Court of Common Pleas of Elmore County and to authorize the issuance of process on, and control over the Judgments rendered by the said Inferior Court of Elmore County before the abolition thereof; to repeal all laws and parts of laws in conflict herewith.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Dodson	Hornsby	St. John (Lawrence)
Benson	Espy	Kelly	Shaver
Bentley	Garrett	Kilborn	Sherrer
Black	Goodwin	Madison	Smith
Bradford	High	McCary	Taylor
Cater	Hill	Newton	Walton

—23

Nays: —0

The bill:

H. 387. To amend Section 13 of the Act of the Legislature of Alabama, approved March 9, 1939, by which the Board of Revenue and Control of Morgan County, Alabama, was created, being Act Number 129 of the regular session of the Legislature of Alabama of 1939 (Local Acts, 1939, page 70 et seq.)

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Dodson	Hornsby	St. John (Lawrence)
Benson	Espy	Kelly	Shaver
Bentley	Garrett	Kilborn	Sherrer
Black	Goodwin	Madison	Smith
Bradford	High	McCary	Taylor
Cater	Hill	Newton	Walton

—23

Nays: —0

The bill:

H. 385. For the relief of Ed Taylor and to authorize the Board of Revenue and Control of Morgan County, Alabama, to compensate the said Ed Taylor for damage suffered by him in the death of two mules belonging to him which were killed when they fell through Riggs Bridge, a part of a public road in Morgan County, Alabama, in June, 1940.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Dodson	Hornsby	St. John (Lawrence)
Benson	Espy	Kelly	Shaver
Bentley	Garrett	Kilborn	Sherrer
Black	Goodwin	Madison	Smith
Bradford	High	McCary	Taylor
Cater	Hill	Newton	Walton

—23

Nays: —0

The bill:

H. 386. For the relief of Tula Fowler, and to authorize the Board of Revenue and control of Morgan County, Alabama, to compensate the said Tula Fowler for damage sustained by her on account of certain of her timber being burned on account of the acts of certain road hands of Morgan County engaged in working the public roads of said county.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Dodson	Hornsby	St. John (Lawrence)
Benson	Espy	Kelly	Shaver
Bentley	Garrett	Kilborn	Sherrer
Black	Goodwin	Madison	Smith
Bradford	High	McCary	Taylor
Cater	Hill	Newton	Walton

—23

Nays: —0

The bill:

H. 247. To fix the compensation or salary of the Tax Assessor of Jefferson County, Alabama, and to regulate the payment thereof.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Dodson	Hornsby	St. John (Lawrence)
Benson	Espy	Kelly	Shaver
Bentley	Garrett	Kilborn	Simpson
Black	Goodwin	Madison	Smith
Bradford	High	McCary	Taylor
Cater	Hill	Newton	Walton

—23

Nays: —0

The bill:

S. 263. To allow the Sheriff of Madison County, Alabama, two additional deputy sheriffs to those now provided by law; to fix the maximum salaries of such deputies and to make the same payable out of the General Fund of Madison County, Alabama, in monthly installments; to fix their tenure of office and provide for their duties; and to provide that the Sheriff of Madison County, Alabama, shall perform the duties required of him by Section 186, of Title 13 and by Section 9 of Title 54 Code of Alabama 1940 without fees, charges or expenses to the County.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Dodson	Hornsby	St. John (Lawrence)
Benson	Espy	Kelly	Shaver
Bentley	Garrett	Kilborn	Simpson
Black	Goodwin	Madison	Smith
Bradford	High	McCary	Taylor
Cater	Hill	Newton	Walton

—23

Nays: —0

The bill:

S. 180. To amend Section 106, Article 15, Chapter 2, Title 62, Code of Alabama 1940.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 20; Nays, 0.

Messrs.:	Espy	Kilborn	Pinson
Bentley	Garrett	Lawson	Shaver
Bradford	High	Madison	Simpson
Carlton	Hill	McCary	Taylor
Cater	Hornsby	Newton	Walton
Dodson			

—20

Nays: —0

The bill:

H. 285. To provide for the examination and auditing of the records and accounts of city boards of education upon the request of such boards by the division of examiners of public accounts of the State of Alabama, and to provide for the payment of the cost of such examination and audit by the State of Alabama.

Was read a third time at length and passed.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:	Espy	Kilborn	St. John (Lawrence)
Bentley	Goodwin	Lawson	Shaver
Bradford	Henderson	Madison	Sherrer
Carlton	High	McCary	Simpson
Cater	Hill	Newton	Smith
Cobb	Hornsby	Pinson	Walton
Dodson	Kelly		

—25

Nays: —0

REPORT FROM RULES COMMITTEE

Mr. Carlton, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following House joint resolution, and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 33. Extending invitation to Madam Wei Tae-Ming to address joint session of the Legislature of Alabama.

And said resolution was then adopted by the Senate.

And the President of the Senate appointed Messrs. Simpson and Walton as Committee on part of the Senate.

REPORT FROM RULES COMMITTEE

Mr. Carlton, Chairman of the Standing Committee on Rules, reported that said committee, in session, has acted on the following Senate resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 33. Protesting action of War Production Board to take over Pullman Standard Car Manufacturing Company at Bessemer to house aluminum plant, and asking that aluminum plant be located elsewhere in the State.

And said resolution was then adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 35. To create and establish a four year medical school in the State of Alabama to be known as "The Medical College of Alabama," a school of medicine of the University of Alabama; to provide for its location, building, equipment, organization, operation, maintenance, ownership, management and control; and to make appropriations therefor from the General Fund or from any surplus fund created from the General Fund by the Legislature by whatever name called.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Bennett of Barbour:

H. 242. To create and establish a Division of Records and Reports in the Office of the Governor; to prescribe its functions, duties, and powers; to provide for annual reports by certain State agencies and for the manner of issuance and distribution thereof; and to make an appropriation for the maintenance and support of the Division of Records and Reports.

Also:

By Mr. Sanderson:

H. 238. To amend Section 43 of Title 8 of the Code of Alabama of 1940.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriat standing committees as follows:

H. 242, to the Committee on Finance and Taxation.

H. 238, to the Committee on Judiciary.

REPORT OF COMMITTEE ON ENGROSSED BILLS

Mr. President:

Your Standing Committee on Engrossed Bills begs leave to report that said committee, in session, has compared the following bill with the original bill, and finds same correctly engrossed, to-wit:

S. 156. To provide for relief of individuals, partnerships and corporations engaged in business which stocks of merchandise are now or may have been frozen by orders of Office of Price Administration or other federal government agencies for war emergency from ad valorem taxation, and to provide for the time for which such relief shall extend or cover.

Orlan B. Hill,
Chairman.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the twenty-fifth day and finds same correct and containing all original entries and references thereto required by the Constitution.

Jim Smith, Jr.,
Chairman.

COMMITTEE REPORT

On motion of Mr. Smith, the foregoing report was concurred in and the Journal of the Senate for the twenty-fifth day approved by the Senate.

ADJOURNMENT

At 12:10 P. M., on motion of Mr. Dodson, and in accordance with joint resolution heretofore adopted, the Senate adjourned until Tuesday, June 1, 1943, at 10 o'clock A. M.

TWENTY-NINTH DAY

(The Senate failed to meet on the twenty-sixth, twenty-seventh and twenty-eighth days)

Tuesday, June 1, 1943.

The Senate met pursuant to adjournment Lieutenant-Governor Ellis, presiding.

PRAYER

The session was opened with Prayer by Father Delahunty, of St. Peters Catholic Church, Montgomery.

ROLL CALL

Present:

Messrs.:	Dodson	Jones	St. John (Cullman)
Benson	Espy	Kelly	St. John (Lawrence)
Bentley	Garrett	Kilborn	Shaver
Black	Goodwin	Lawson	Sherrer
Bradford	Henderson	Madison	Simpson
Carlton	High	McCary	Taylor
Cater	Hill	Newton	Toomer
Cobb	Hornsby	Pinson	Walton

—31

JOURNAL

On motion of Mr. Carlton, the reading of the Journal of the twenty-fifth day was dispensed with and same approved by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills and House joint resolution, your signature thereto is required.

H. 25. To amend Section 784, Title 51, of the 1940 Code of Alabama.

Also:

H. 164. To exempt assistance grants to dependent children from levy, garnishment, attachment and all taxes.

Also:

H. 247. To fix the compensation or salary of the Tax Assessor of Jefferson County, Alabama, and to regulate the payment thereof.

Also:

H. 374. To create, establish and regulate a Court of record in and for Elmore County, Alabama, to be known as and be called "Court of Common Pleas of Elmore County"; to provide and define the criminal and civil jurisdiction of said Court, and the terms thereof; to provide for the Judge and other officers of said Court, their powers, duties and compensation; to fix the term of office for such Judge, the manner and time of his selection and election; to provide for his successor in case of a vacancy; to fix the fees and costs in said Court; to provide for the creation of two divisions of said Court to be known and called "The Tallassee Division" and "The Wetumpka Division"; to provide for the holding of terms and sessions thereof of said divisions; to provide for the method and manner of instituting civil and criminal proceedings therein, and the procedure therein; to provide for the rules of procedure for said Court and the operation thereof; to provide for and regulate appeals from said Court; to provide for the registration of Judgments rendered in and by said Court, and the effect thereof, and liens of its judgments, and the issuance of process thereon; to provide and designate the time and place at which each session of said Court in each division thereof shall be held; to provide for an office of the Judge of said Court; to provide for the necessary office fixtures, stationery, stamps, telephone, lights, heat, and other necessary supplies for the Judge of this Court; to provide for the necessary office supplies for the Clerk of this Court; to provide for official bond of the Clerk of said Court and the payment of the premium thereon; to abolish the Inferior Court of Elmore County and the County Court of Elmore County; to provide for the transfer of all cases now pending in the Inferior Court of Elmore County together with the record of such pending cases to the Court of Common Pleas of Elmore County and to authorize the issuance of process on, and control over the Judgments rendered by the said Inferior Court of Elmore County before the abolition thereof; to repeal all laws and parts of laws in conflict herewith.

Also:

H. 385. For the relief of Ed Taylor and to authorize the Board of Revenue and Control of Morgan County, Alabama, to compensate the said Ed Taylor for damage suffered by him in the

death of two mules belonging to him which were killed when they fell through Riggs Bridge, a part of a public road in Morgan County, Alabama, in June, 1940.

Also:

H. 386. For the relief of Tula Fowler, and to authorize the Board of Revenue and Control of Morgan County Alabama, to compensate the said Tula Fowler for damage sustained by her on account of certain of her timber being burned on account of the acts of the certain road hands of Morgan County engaged in working the public roads of said county.

Also:

H. 387. To amend Section 13 of the Act of the Legislature of Alabama, approved March 9, 1939, by which the Board of Revenue and Control of Morgan County, Alabama, was created, being Act Number 129 of the regular session of the Legislature of Alabama of 1939 (Local Acts, 1939, page, 70 et seq.)

Also:

H. J. R. 33. Relative to inviting Madam Wei Tao-Ming to address a Joint Session of the Alabama Legislature.

R. T. Goodwyn, Jr.,
Clerk.

SIGNING OF HOUSE BILLS AND HOUSE JOINT RESOLUTION

The President of the Senate in the presence of the Senate after the reading thereof at length had been dispensed with by two-thirds vote of a quorum of the Senate present; and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and House joint resolution, the titles of which are set out in the foregoing Message from the House.

REPORT ON COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bill with the engrossed and original bill, respectively, and finds same correctly Enrolled, to-wit:

S. 35. To create and establish a four year medical school in the State of Alabama to be known as "The Medical College of Alabama," a school of medicine of the University of Alabama; to

provide for its location, building, equipment, organization, operation, maintenance, ownership, management and control; and to make appropriations therefor from the General Fund or from any surplus fund created from the General Fund by the Legislature by whatever name called.

Sam High,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

REPORT ON COMMITTEE ON ENGROSSED BILLS

Mr. President:

Your Standing Committee on Engrossed Bills begs leave to report that said committee, in session, has ocmpared the following bill with the original bill, and finds same correctly engrossed, to-wit:

S. 137. To authorize and create an additional judge of the Fourth Judicial Circuit of Alabama and to provide for his election, jurisdiction, powers, authority and qualifications, to render him liable to all the pains and penalties of the other Circuit Judges of the State, and to provide for the salary of said judge.

Orlan B. Hill,
Chairman.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

By Mr. Shaver.

S. 232. To amend Section 15 of an Act entitled an Act "To establish in Precinct One in Madison County, Alabama, an Inferior Court in lieu of all Justices of the Peace and Notaries Public with the powers of a Justice of the Peace in the said Precinct, to be known as the Inferior Court of Huntsville, to define the jurisdiction and powers of said Court and the Judge thereof." Approved April 4, 1911, as amended by an Act of the Legislature

approved March 2, 1931, and as further amended by an Act of the Legislature approved January 8, 1937.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Carnley:

H. 10. To amend Section 24 of Title 11 of the Code of Alabama of 1940.

And ordered same sent forthwith to the Senate.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. 10, to the Committee on Judiciary.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing commttiees, as follows:

By Mr. Hill:

S. 280. To empower the registers of the circuit court to re-open biddings received on the sale of lands made under orders and decrees of such courts and close the re-opening of such biddings, and report their actions to the court for confirmation.

Committee on Judiciary.

By Mr. Hill:

S. 281. To amend Section 5, Title 7, Code of Alabama, 1940.

Committee on Judiciary.

By Mr. Hill:

S. 282. To require any individual, firm, corporation or association insuring any building, structure or other property in this State against loss or damage by fire or other hazard to cause such

building, structure or other property to be examined by an agent of the insurer and a full description thereof to be made and the insurable value thereof to be fixed by such agent and written in the policy; to require, in the absence of any change increasing the risk without the consent of the insurer, in case of total loss the whole amount mentioned in the policy upon which the insurer receives a premium shall be paid, and in case of partial loss the full amount of the partial loss shall be paid, but in no case to require the payment of more than the amount upon which a premium is collected; to fix the measure of damages in case of total loss, and to fix the measure of damages in case of a partial loss.

Committee on Insurance.

By Mr. Hill:

H. 283. To provide that no evidence shall be received in the Courts of Alabama in suits or proceedings brought upon policies of insurance on buildings or other property against loss or damage by fire or other hazards hereafter issued or renewed that the property insured was worth, at the time of insuring it by the policy, less than the full sum insured therein on such property.

Committee on Judiciary.

By Mr. Hill:

S. 284. To provide for the payment to the beneficiary of a reasonable attorney's fee by defendant in all cases where judgments or decrees of the Courts of Alabama are rendered against any person, company, corporation, co-partnership, association or other insurer and in favor of the Beneficiary under any policy or contract of insurance executed by any such insurer, and to prescribe the manner of fixing and collecting such fees.

Committee on Judiciary.

By Mr. Kelly:

S. 285. To appropriate $20,000 for the purchase of certain real estate to be donated by the State of Alabama to the United States for a national cemetery and memorial; and to authorize, empower and direct the purchase and conveyance thereof.

Committee on Finance and Taxation.

By Mr. Walton:

S. 286. To propose an amendment to the Constitution of Alabama disqualifying social degenerates from voting, holding office and serving on juries in Alabama.

Committee on Constitution and
Constitutional Revision and Amendments.

The above bill was read one time at length as required by the Constitution.

By Mr. Simpson:

S. 287. To amend Section 198 of title 17 of the Alabama Code of 1940.

Committee on Judiciary.

By Mr. Simpson:

S. 288. To amend Section 266, Title 17, Code 1940.

Committee on Judiciary.

By Mr. Taylor:

S. 289. To amend Section 46 of Title 61 of the 1940 Code of Alabama, to provide for the probate and record in the courts of The State of Alabama, of wills previously admitted to probate and record in the courts of other states, territories, districts and countries subject to the jurisdiction of the United States of America, and of foreign countries not subject to the jurisdiction of The United States of America.

Committee on Judiciary.

By Mr. Cater:

S. 290. To create a commission for the care and treatment of crippled children, and for their rehabilitation and vocational training; said commission to be known as the Alabama Crippled Children's Commission; to provide for the organization of said Commission, the number of its members and to fix their terms of office, compensation, powers and duties, to grant to said Commission power and authority to make and enforce rules and regulations consistent with the intent and purpose of this act; to require the state superintendent of education, the state health officer and all other state officers, county officers and municipal officers to cooperate with the Alabama Crippled Children's Commission; to empower the commission to receive unds allotted by Title V of the Federal Social Security Bill or any other Federal aid under any law now on the statute books or subsequently enacted for which the Alabama Crippled Children's Commission may be able to qualify; to empower the Commission to receive gifts, bequest or other contributions whether in cash, equipment or otherwise from individuals or corporations; and to provide an appropriation from the funds of the State of Alabama to said Alabama Crippled Children's Commission; and to provide for annual report in writing to the Governor.

Committee on Finance and Taxation.

By Mr. Kilborn:

S. 291. To authorize municipalities to adopt ordinances providing for the taking up and storing of abandoned and stolen personal property found within the corporate limits and outside the corporate limits but within the police jurisdiction of such cities and towns, and to authorize and regulate the sale of such property so taken up and stored, and the disposition of the proceeds of such sales.

Committee on Municipalities and Municipal Organizations.

By Mr. Kilborn:

S. 292. To repeal Section 353 of Title 62 of the Alabama Code of 1940.

Committee on Municipalities and Municipal Organizations.

By Mr. Espy:

S. 293. To declare that portion of Morgan Street in the City of Dothan, Alabama, located and situated in the SE¼ of NE¼ of Section 23, Township 3, Range 26, and a part of "Westover" according to map recorded in Deed Book 8, foremrly belonging to Joseph Lee Rhodes, extending south from West Mead Avenue, shall, upon the passage and approval of this Act, cease to be a public Street, and authorize Christina M. Smith, her heirs and assigns, to perpetually use and occupy said portion of said Street and vesting the title in the said Chrintina M. Smith.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Application will be made to the next session of the Legislature of the State of Alabama to pass an act to declare that certain portion of Morgan Street in the city of Dothan, Alabama, located and situated in the SE¼ of NE¼ of Section 23, Township 3, Range 26, and a part of "Westover" according to map recorded in the office of the Judge of Probate of Houston County, Alabama, in Deed Book 8, page 600, formerly belonging to Joseph Lee Rhodes, extending south from West Mead Avenue, shall cease to be a public Street, and authorize Christina M. Smith, her heirs and assigns, to perpetually use and occupy said portion of said street and to vest title in the said Christina M. Smith.

Dated April 19, 1943.

Christina M. Smith.

PUBLISHER'S AFFIDAVIT, THE HOUSTON HERALD

STATE OF ALABAMA,
HOUSTON COUNTY,

Personally appeared before the undersigned, a Notary Public in and for said county and state, L. S. Deal, Editor Publisher of The Houston Herald, a newspaper published at Dothan, in Houston County, Alabama, and deposes and says on oath that a copy of the attached advertisement appeared once a week for four consecutive weeks on the following dates April 22, 29 and May 6, 13, 1943, in The Houston Herald.

Signed L. S. DEAL,
Editor-Publish, The Houston Herald.

Sworn to and subscribed before me this the 28th day of May, 1943.

H. R. McCLINTOCK,
Notary Public.

By Mr. St. John (Cullman):

S. 294. To amend Section 72 of Title 13 of the Alabama Code of 1940.

Committee on Judiciary.

By Mr. St. John (Cullman):

S. 295. To amend section 194 of title 55 of the Alabama Code of 1940.

Committee on Judiciary.

By Mr. Sherrer:

S. 296. To propose an amendment to the constitution of Alabama disqualifying social degenerates from voting, holding office and serving on juries in Alabama.

Committee on Constitution and Constitutional Revision and Amendments.

The above bill was read one time at length as required by the Constitution.

By Mr. Goodwin:

S. 297. To amend Section 182, Title 55, Code 1940.

Committee on Finance and Taxation.

By Mr. Kilborn:

S. 298. To repeal Section 74 of Title 8 of the Code of Alabama of 1940.

Committee on Fish and Game.

By Mr. Newton:

S. 299. To make provision for the creation and maintenance of a Sub-Agricultural Experiment Station in the soil types of the State of Alabama as represented in the area generally known as

the Upper Coastal Plains Area, for the purpose of finding out new scientific facts in regard to the use of fertilizer for farm and truck crops; the adaptation and improvement of varieties of crops; the establishment and improvement of pastures; the production of feed and forage crops; the economic production and management of livestock; the production of fruits, vegetables, nuts, and citrus fruit; the control of insect pests and plant and livestock diseases; and other similar important agricultural and economic problems having for their object the development of a more permanent, profitable, and diversified agriculture; to designate the counties of the State constituting the Upper Coastal Plains Area; to provide for the location of said Sub-Agricultural Experiment Station; to make appropriations to the Board of Trustees of the Alabama Polytechnic Institute for carrying out the purposes of this act; to provide for the admiinstration and direction of this work; to authorize and empower county boards of revenue, county commissioners, or other governing bodies having similar jurisdiction in the several counties composing the Upper Coastal Plains Area, individuals, firms, organizations, corporations, companies, or municipalities to make donations and appropriations for the purchase of lands and equipment for said Sub-Agricultural Experiment Station; and to authorize the Board of Trustees of the Alabama Polytechnic Institute to accept such donations.

Committee on Finance and Taxation.

By Mr. Cobb:

S. B. 300. To amend Section 71, Title 36 of the 1940 Code of Alabama.

Committee on Public Roads and Highways.

REPORT OF COMMITTEE

Mr. Cobb, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate, with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Smyer (with notice and proof):

H. 150. To fix the salary of the Register of the Circuit Court of the Tenth Judicial Circuit of Alabama, (Jefferson County) and to regulate the payment of the same.

By Mr. Cater (with notice and proof):

S. 278. To fix the salary of the Judge of Probate of Montgomery County, Alabama, and to regulate the payment of same, and to provide for the selection of clerical help and other assistance to said Judge of Probate, and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such Judge of Probate, and to provide for an ex-officio clerk of the Board of Registrars, and to require said Judge of Probate to pay into the County Treasury of said County, all costs and charges of courts, fees and commissions authorized by law to be collected by said Judge of Probate as other moneys belonging to said County are paid.

By Mr. Cater (with notice and proof):

S. 279. To fix the compensation or salary to be paid the tax collector of Montgomery County, Alabama. and to regulate the payment of same, to provide for the selection of clerical help and other assistance to said officer and the manner of fixing his compensation and paying the same, and to provide rules and regulations for the payment and conduct of such officer; and to require such officer to pay into the county treasury of said county all costs, charges of courts, fees and commissions authorized by law to be collected by said officer as other monies belonging to said county are paid, except any salary, fees or commissions paid said officer for collecting taxes for any municipality.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Sightler:

H. 543. To repeal "An act to authorize and require the Board of Education of Montgomery County, Alabama, to provide a pension or retiring allowance for teachers who have served in the public schools of Montgomery County, Alabama," approved September 5, 1939; and to provide pension retiring allowances for teachers heretofore placed on the retired list by the Board of Education of Montgomery County, Alabama; and to authorize said Board to supplement retirement allowances under the State Teachers' Retirement System for teachers who may retire as members of said State Retirement System on or before July 1, 1950.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

is hereby given that a bill will be introduced in the Legislature of Alabama during the 1943 session thereof, which bill is in substance as follows:

A BILL
TO BE ENACTED
AN ACT

To repeal "An act to authorize and require the Board of Education of Montgomery County, Alabama, to provide a pension or retiring allowance for teachers who have served in the public schools of Montgomery County, Alabama," approved September 5, 1939; and to provide pension retiring allowances for teachers heretofore placed on the retired list by the Board of Education of Montgomery County, Alabama; and to authorize said Board to supplement retirement allowances under the State Teachers' Retirement System for teachers who may retire as members of said State Retirement System on or before July 1, 1950.

Be It Enacted By The Legislature Of Alabama:

Section 1. There is hereby repealed "An act to authorize and require the Board of Education of Montgomery County, Alabama, to provide a pension or retiring allowance for teachers who have served in the public schools of Montgomery County, Alabama, approved September 5, 1939; (a) provided, however, that as to all teachers heretofore placed on the retired list of school teachers by the Board of Education of Montgomery County, Alabama, said Board is authorized and required to continue to appropriate and pay out of its regular school fund pension retiring allowances provided for under the aforementioned act of September 5, 1939; and (b) provided further that as to all teachers employed by the said Board on September 1, 1941, who filed enrollments with the Board of Control of the Teachers' Retirement System of Alabama on or before September 1, 1942, said County Board of Education is authorized and required to pay out of its regular school funds to any of such teachers who may be retired on or before July 1, 1950, under the State Retirement Plan such an amount of money as may be required to supplement retirement allowances received by them under the State Plan so as to make the total amount of their retirement benefits equal to that which they would have received under the aforementioned act of September 5, 1939, had they been retired thereunder.

Section 2. This act shall become effective immediately upon its passage and approval or its otherwise becoming an act.
May 1-18-15-22.

STATE OF ALABAMA,
MONTGOMERY COUNTY.

Before me, T. A. Hardy, a Notary Public in and for said State and County, this day personally appeared R. F. Hudson, who being by me first duly sworn, deposes and says that he is the publisher of The Montgomery Advertiser, a

newspaper of general circulation published in Montgomery County, Alabama; that the above and foregoing notice was published once a week for four consecutive weeks in The Montgomery Advertiser, on to-wit: May 1, 1943; May 8, 1943; May 15, 1943, and May 22, 1943, without cost to the State of Alabama.

R. F. HUDSON, President,
of the Montgomery Advertiser.

SWORN TO and subscribed before me, this the 26 day of May, 1943.

T. A. HARDY,
(SEAL). Notary Public, Montgomery County, Alabama.

Also:

By Mr. Allen and Mr. Rains:

H. 439. To Fix The Compensation Or Salary To Be Paid The Judge Of Probate Of Etowah County, Alabama, And To Regulate The Payment Of The Same; To Provide For The Compensation of Clerks, Deputies, Clerical Assistants And Other Expenses In The Probate Office Of Etowah County, Alabama, And To Require Said Judge Of Probate To Collect All The Fees, Compensation And Allowances Heretofore Or Hereafter Collected By Said Judge Of Probate, And To Pay Same Into The County Treasury Of Etowah County; To Provide For The Payment of The Salary Or Compensation Of Said Judge Of Probate And The Clerks, Deputies And Other Clerical Assistants, And Other Office Expenses, Out Of The Funds Of Etowah County, And To Provide Rules And Regulations For The Management And Operation Of Such Office Made Necessary By Changing The Method And Basis Of Compensation Of Such Judge Of Probate, And To Prescribe When This Act Shall Go Into Effect.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF INTRODUCTION OF LOCAL BILL IN LEGISLATURE

Notice is hereby given that at the Regular Session of the Alabama Legislature beginning May 4, 1943, there will be introduced, and the undersigned will press for the passage of, a local bill, in substance as follows:

A Bill to be entitled An Act

To Fix The Compensation or Salary To Be Paid The Judge Of Probate Of Etowah County, Alabama, And To Regulate The Payment Of The Same; To Provide For The Compensation of Clerks, Deputies, Clerical Assistants And Other Expenses In The Probate Office of Etowah County, Alabama, And To Require Said Judge Of Probate To Collect All The Fees, Compensation And Allowances Heretofore Or Hereafter Collected By Said Judge Of Probate, And To Pay Same Into The County Treasury Of Etowah County; To Provide For The Payment of The Salary Or Compensation Of Said Judge Of Probate And The Clerks, Deputies And Other Clerical Assistants, And Other Office Expenses, Out Of The Funds Of Etowah County, And To Provide Rules And Regulations For The Management And Operation Of

Such Office Made Necessary By Changing The Method And Basis Of Compensation Of Such Judge Of Probate, And To Prescribe When This Act Shall Go Into Effect.

Be It Enacted By The Legislature of Alabama:

Section 1. That the salary or compensation of the Judge of Probate of Etowah County, Alabama, shall be Six Thousand & 00/100 ($6,000.00) Dollars, per year, and the said Six Thousand & 00/100 ($6,000.00) Dollars, annual salary or compensation shall be paid out of the County Treasury of Etowah County, in equal monthly installments at the end of each month, upon warrants drawn in the same manner as employees of Etowah County are paid.

Section 2. That when this Act goes into effect said Judge of Probate shall continue to collect all legal charges, costs, fees, compensation and allowances, heretofore or hereafter authorized to be collected by him, and shall pay same into the County Treasury on the first Monday of each month thereafter.

Section 3. The Board of Revenue, or like governing body, of Etowah County, Alabama, is required, authorized and empowered to provide sufficient clerks, deputies and other assistants to the said Judge of Probate, but the said Judge of Probate shall select the said clerks, deputies and other assistants, and shall fix their compensation, but the combined salaries or compensation of said clerks, deputies and assistants selected by him shall not exceed Ten Thousand & 00/100 ($10,000.00) Dollars, per annum. The said Judge of Probate shall have the right to discharge the said clerks, deputies and assistants at will. The salaries or compensation of said clerks, deputies and assistants shall be paid in equal monthly installments out of the general funds of Etowah County, upon separate warrants drawn in the same manner as other employees of Etowah County are paid.

Section 4. The Board of Revenue or like governing body, of Etowah County, shall provide said Judge of Probate with the necessary quarters, books, stationery, office equipment, supplies, files, furniture, typewriters, adding machines, postage and other conveniences and equipment necessary for the proper and efficient conducting and handling of the affairs of said office.

Section 5. The salary or compensation herein fixed shall be in lieu of all fees, compensation and allowances heretofore allowed and paid to said Judge of Probate of Etowah County, Alabama, and said Judge of Probate shall not receive any compensation or allowances for his services as President or Ex Officio member of the Board of Revenue, or like governing body, of Etowah County, or as Judge of the Juvenile Court of Etowah County, Alabama, or for any other such Ex Officio services so rendered by him.

Section 6. That all laws and parts of laws, both general and local, as applied to Etowah County, Alabama, in conflict with the provisions of this Act, be, and the same are hereby repealed.

Section 7. The provisions of this Act shall become effective at the expiration of the term of office for which the present Probate Judge of Etowah County, has been elected.

JAMES B. ALLEN,
ALBERT RAINS.

April 19-26-May 3-10

State of Alabama,
County of Etowah.

Before me, Pauline Fariss, a Notary Public in said county in said state, personally appeared J. R. Hornady, who being by me first duly sworn, deposes and says that he is the editor of The Gadsden Times, a daily newspaper

published in said county, and that the attached notice has been published in said newspaper four consecutive weeks, to-wit: April 19, 26, May 3 and 10, 1943.

J. R. HORNADY,
Editor.

Sworn to and subscribed before me this the 18th day of May, 1943.

PAULINE FARISS,
(Seal) Notary Public.

Also:

By Mr. Allen and Mr. Rains:

H. 438. To Fix The Compensation Or Salary To Be Paid The Tax Assessor Of Etowah County, Alabama, And To Regulate The Payment Of The Same; To Provide For Compensation of Clerks, Deputies, Clerical Assistants and Other Expenses In Said Office Of The Tax Assessor of Etowah County, Alabama, And To Require Said Tax Assessor To Collect All Fees, Compensation And Allowances Heretofore Or Hereafter Authorized To Be Collected by Him, Including Compensation Payable To Him For Making Ad Valorem Tax Assessments For The Several Municipalities In Etowah County, And To Pay Same Into The County Treasury Of Etowah County; To Provide For The Payment Of The Salary Or Compensation Of Said Tax Assessor Of Etowah County, and The Clerks, Deputies And Other Clerical Assistants And Other Office Expenses Out Of The Funds Of Etowah County, And To Provide Rules And Regulations For The Management And Operation Of Such Office Made Necessary By Changing The Method And Basis Of Compensation Of Said Tax Assessor, And To Prescribe When This Act Shall Go Into Effect.

NOTICE OF INTRODUCTION OF LOCAL BILL IN LEGISLATURE

Notice is hereby given that at the Regular Session of the Alabama Legislature beginning May 4, 1943, there will be introduced, and the undersigned will press for the passage of, a local bill, in substance as follows:

A Bill to be entitled An Act.

To Fix The Compensation Or Salary To Be Paid The Tax Assessor Of Etowah County, Alabama, And To Regulate The Payment Of The Same; To Provide For Compensation of Clerks, Deputies, Clerical Assistants and Other Expenses In Said Office Of The Tax Assessor Of Etowah County, Alabama, And To Require Said Tax Assessor To Collect All Fees, Compensation And Allowances Heretofore Or Hereafter Authorized To Be Collected by Him, Including Compensation Payable To Him For Making Ad Valorem Tax Assessments For The Several Municipalities In Etowah County, And To Pay Same Into The County Treasury Of Etowah County; To Provide For The Payment Of The Salary Or Compensation Of Said Tax Assessor Of Etowah County, and The Clerks, Deputies And Other Clerical Assistants And Other Office Expenses Out Of The Funds Of Etowah County, And To Provide Rules and Regulations For The Management And Operation Of

Such Office Made Necessary By Changing The Method And Basis Of Compensation Of Said Tax Assessor, And To Prescribe When This Act Shall Go Into Effect.

Be It Enacted By The Legislature Of Alabama.

Section 1. That the salary or compensation of the Tax Assessor of Etowah County, Alabama, shall be Four Thousand Five Hundred and No/100 ($4,500.00) Dollars, per year, and the said Four Thousand Five Hundred and No/100 ($4,500.00) Dollars, annual salary or compensation shall be paid out of the County Treasury of Etowah County, in equal monthly installments, at the end of each month, upon warrants drawn in the same manner as employees of Etowah County are paid.

Section 2. That when this Act goes into effect, said Tax Assessor hereinabove referred to, shall continue to collect all charges, Fees, compensation and allowances heretofore or hereafter authorized to be collected by him, including compensation payable to him for making ad valorem tax assessments for the several municipalities in Etowah County, and shall pay same into the County Treasury on the first Monday of each month thereafter.

Section 3. The Board of Revenue, or like governing body, of Etowah County, Alabama, is required, authorized and empowered to provide sufficient equipment, clerks, deputies and other assistants to the said Tax Assessor, but the said Tax Assessor shall select such clerks, deputies and assistants and shall fix their compensation, but the combined salaries or compensation of said clerks, deputies and assistants selected by him shall not exceed Four Thousand Eight Hundred and No/100 ($4,800.00) Dollars, per annum. The said Tax Assessor shall have the right to discharge the said clerks, deputies. and assistants at will, as they shall serve only at his pleasure. The salaries or compensation of said clerks, deputies and assistants shall be paid in equal monthly installments out of the general funds of Etowah County, upon separate warrants drawn in the same manner as other employees of Etowah County are paid. In addition to the foregoing allowance the Board of Revenue, or like governing body, of Etowah County, shall pay for all necessary traveling expenses for annual trips over the County as required by law, but said Tax Assessor shall furnish all necessary drawing, maps, registers and plats as required by law, without additional charge or compensation therefor.

Section 4. The Board of Revenue, or like governing body, of Etowah County, in addition to the foregoing, shall provide said Tax Assessor with the necessary quarters, books, stationery, supplies, office equipment, files, furniture, typewriters, adding machines, postage and other conveniences and equipment necessary for the proper and efficient conducting and handling of the affairs of said office.

Section 5. The salary or compensation herein fixed shall be in lieu of all fees, compensation and allowances heretofore or hereafter allowed and paid to said Tax Assessor, including compensation payable to him for making ad valorem tax assessments for the several municipalities in Etowah County.

Section 6. That all laws and parts of laws, both general and local, as applied to Etowah County, Alabama, in conflict with the provisions of this Act, be, and the same are hereby repealed.

Section 7. The provisions of this Act shall become effective on October 1, 1947.

JAMES B. ALLEN,
ALBERT RAINS.

April 19-26-May 3-10

State of Alabama,
County of Etowah.

Before me, Pauline Fariss, a Notary Public in said county in said state, personally appeared J. R. Hornady, who being by me first duly sworn, de-

poses and says that he is the editor of The Gadsden Times, a daily newspaper published in said county, and that the attached notice has been published in said newspaper four consecutive weeks, to-wit: April 19, 26, May 3 and 10, 1943.

J. R. HORNADY,
Editor.

Sworn to and subscribed before me this the 18th day of May, 1943.

PAULINE FARISS,
Notary Public.

(Seal)

Also:

By Mr. Allen and Mr. Rains:

H. 437. To Fix The Compensation Or Salary To Be Paid The Tax Collector of Etowah County, Alabama, And To Regulate The Payment Of The Same; To Provide For Compensation of Clerks, Deputies, Clerical Assistants and Other Expenses in Said Office of The Tax Collector of Etowah County, Alabama, and To Require Said Tax Collector To Collect All The Fees, Compensation and Allowances Heretofore Or Hereafter Authorized to Be Collected By Him, Including Compensation Payable To Him For Collecting Ad Valorem taxes For The Several Municipalities In Etowah County, And To Pay Same Into The County Treasury Of Etowah County; To Provide For The Payment Of The Salary Or Compensation Of Said Tax Collector Of Etowah County, And The Clerks, Deputies And Other Clerical Assistants, And Other Office Expenses Out Of The Funds Of Etowah County, And To Provide Rules And Regulations For The Management And Operation Of Such Office Made Necessary By Changing The Method And Basis Of Compensation Of Such Tax Collector, And To Prescribe When This Act Shall Go Into Effect.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF INTRODUCTION OF LOCAL BILL IN LEGISLATURE

Notice is hereby given that at the Regular Session of the Alabama Legislature beginning May 4, 1943, there will be introduced, and the undersigned will press for the passage of a local bill, in substance as follows:

A bill to be entitled an act.

To Fix The Compensation Or Salary To Be Paid The Tax Collector of Etowah County, Alabama, And To Regulate The Payment Of The Same; To Provide For Compensation of Clerks, Deputies, Clerical Assistants and Other Expenses in Said Office of The Tax Collector of Etowah County, Alabama, and To Require Said Tax Collector To Collect All The Fees, Compensation and Allowances Heretofore Or Hereafter Authorized to Be Collected By Him, Including Compensation Payable To Him For Collecting Ad Valorem Taxes For The Several Municipalities In Etowah County, And To Pay Same Into The County Treasury Of Etowah County; To Provide For The Payment Of The Salary Or Compensation Of Said Tax Collector Of Etowah

County, And The Clerks, Deputies And Other Clerical Assistants, And Other Office Expenses Out Of The Funds Of Etowah County, And To Provide Rules And Regulations For The Management And Operation Of Such Office Made Necessary By Changing The Method And Basis Of Compensation Of Such Tax Collector, And To Prescribe When This Act Shall Go Into Effect.

Be It Enacted By The Legislature Of Alabama:

Section 1. That the salary or compensation of the Tax Collector of Etowah County, Alabama, shall be Forty-Five Hundred & 00/100 ($4500.00) Dollars, per year, and that the said Forty Five Hundred & no/100 ($4500.00) Dollars annual salary or compensation shall be paid out of the County Treasury of Etowah County, in equal monthly installments, at the end of each month, upon warrants drawn in the same manner as employees of Etowah County are paid.

Section 2. That when this Act goes into effect said Tax Collector hereinabove referred to shall continue to collect all charges, fees, compensation and allowances, heretofore or hereafter authorized to be collected by him, including compensation payable to him for collecting ad valorem taxes for the several municipalities in Etowah County, and shall pay same into the County Treasury on the first Monday of each month thereafter.

Section 3. The Board of Revenue, or like governing body, of Etowah County, Alabama, is required, authorized and empowered to provide sufficient equipment, clerks, deputies and other assistants to the said Tax Collector, but the said Tax Collector shall select such clerks, deputies and assistants and shall fix their compensation, but the combined salaries or compensation of said clerks, deputies, and assistants selected by him shall not exceed Four Thousand Two Hundred & no/100 ($4,200.00) Dollars, per annum. The said Tax Collector shall have the right to discharge the said clerks, deputies and assistants at will, as they shall serve only at his pleasure. The salaries or compensation of said clerks, deputies and assistants shall be paid in equal monthly installments out of the general funds of Etowah County, upon separate warrants drawn in the same manner as other employees of Etowah County, Alabama, are paid. In addition to the foregoing allowance the Board of Revenue, or like governing body, of Etowah County, shall pay for all necessary traveling expenses for annual trips over the County as required by law, but said Tax Collector shall furnish all necessary reports, registers, and lists of qualified voters as required by law, without additional charge or compensation therefor.

Section 4. The Board of Revenue, or like governing body, of Etowah County, in addition to the foregoing, shall provide said Tax Collector with the necessary quarters, books, stationery, supplies, office equipment, files, furniture, typewriters, adding machines, postage and other conveniences and equipment necessary for the proper and efficient conducting and handling of the affairs of said office.

Section 5. The salary or compensation herein fixed shall be in lieu of all fees, compensation and allowances heretofore or hereafter allowed and paid to said Tax Collector, including compensation payable to him for collecting ad valorem taxes for the several municipalities in Etowah County.

Section 6. That all laws and parts of laws, both general and local, as applied to Etowah County, Alabama, in conflict with the provisions of this Act, be, and the same are hereby repealed.

Section 7. The provisions of this Act shall become effective on October 1, 1947.

JAMES B. ALLEN,
ALBERT RAINS.

April 19-26-May 3-10.

State of Alabama,
County of Etowah.

Before me, Pauline Fariss, a Notary Public in said county in said state, personally appeared J. R. Hornady, who being by me first duly sworn, deposes and says that he is the editor of The Gadsden Times, a daily newspaper published in said county, and that the attached notice has been published in the said newspaper four consecutive weeks, to-wit: April 19, 26, May 3 and 10, 1943.

J. R. HORNADY,
Editor.

Sworn to and subscribed before me this the 18th day of May, 1943.

PAULINE FARISS,
Notary Public.

(Seal)

Also:

By Mr. Still:

H. 526. To authorize the Chambers County Board of Education to pay to J. T. Phillips the principal amount of a note for One Thousand Dollars executed by the Trustees of the Chambers County Training School of LaFayette, Alabama on August 20, 1919, together with interest thereon from date from date of maturity at not exceeding four per cent per annum.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that a bill will be introduced in the Legislature of Alabama during the 1943 session thereof which bill is in substance as follows: To authorize the Chambers County Board of Education to pay to J. T. Phillips the principal amount of a note for one thousand dollars together with the interest thereon not exceeding four per cent from due date, executed by the Trustees of the Chambers County Training School at LaFayette on to-wit: August 20, 1919. Said money being used to buy desks for said school but said note was not paid. The said school property now belongs to the State of Alabama. 35-4WC.

STATE OF ALABAMA,
CHAMBERS COUNTY

Before me, Pearl H. Hand, a Notary Public in and for said County and State, personally appeared Bonnie Hand, who, being by me legally sworn, deposes and says:

I am the publisher of The LaFayette Sun, a newspaper published weekly, in LaFayette, Chambers County, Alabama; the foregoing notice of a bill to be introduced in the Legislature was published in said newspaper once a week for 4 consecutive weeks, beginning with the issue of April 28, 1943, and appearing in the issues of said newspaper of dates April 28, May 5, 12, and 19.

BONNIE HAND,
Publisher.

Sworn to and subscribed before me this 22d day of May, 1943.

(SEAL).

PEARL H. HAND.
Notary Public.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committee as follows:

House bills 543, 439, 438, 437 and 526, to the Committee on Local Legislation.

CONSIDERATION OF SPECIAL ORDERS

The Calendar having been reached in order of business, the Senate proceeded to the consideration of the Special Orders for today, the first of which was the bill:

S. 145. To abolish all matriculation and incidental fees in all accredited high schools of the State, except a reasonable fee for library, laboratory, shop work, or commercial course.

Was taken up.

The Standing Committee on Education offered the following amendment to the bill, to-wit:

Amend Senate Bill 145 by adding Section 3 to read as follows: "Section 3—Effective date: This act shall take effect at the beginning of the 1944-1945 scholastic year."

Which was adopted.

Yeas, 26; Nays, 0.

Messrs.:	Garrett	Kelly	St. John (Lawrence)	
Bentley	Goodwin	Kilborn	Shaver	
Black	Henderson	Lawson	Sherrer	
Carlton	High	Madison	Simpson	
Cater	Hill	McCary	Toomer	
Dodson	Hornsby	Newton	Walton	
Espy	Jones	Pinson		—26
Nays:				—0

Mr. Bentley offered the following amendment to the bill, to-wit:

Amend Senate Bill No. 145 as follows:

First—By adding the words "fuel, Music or band" immediately after the word "laboratory" where the same appears in the Caption of said Bill.

Second—By adding the words "fuel, music or band" immediately after the word "laboratory" where the same appears in Section One of said Bill.

Which was adopted.

Yeas, 26; Nays, 0.

Messrs.:	Espy	Jones	Shaver	
Benson	Garrett	Kelly	Sherrer	
Bentley	Goodwin	Kilborn	Simpson	
Black	Henderson	Lawson	Taylor	
Carlton	High	Madison	Toomer	
Cater	Hill	McCary	Walton	
Dodson	Hornsby	St. John (Lawrence)		—26
Nays:				—0

Mr. Cobb offered the following amendment to the bill, to-wit:

Amend Senate Bill 145 by striking therefrom the period at the end of last line of Section one, adding a comma thereto and the following words:

"Provided, however, that in any case where such Incidental fees, Matriculation or other fees have heretofore been pledged as security for the payment of any debt, outstanding May 1, 1943, such fees shall be collected in every such instance until said debt is fully paid and Discharged."

Which was adopted.

Yeas, 29; Nays, 0.

Messrs.:	Dodson	Jones	St. John (Cullman)	
Benson	Espy	Kelly	St. John (Lawrence)	
Bentley	Garrett	Kilborn	Shaver	
Black	Goodwin	Lawson	Simpson	
Bradford	Henderson	Madison	Taylor	
Carlton	High	McCary	Toomer	
Cater	Hill	Pinson	Walton	
Cobb	Hornsby			—29
Nays:				—0

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 28; Nays, 0.

Messrs.:	Espy	Jones	St. John (Cullman)	
Benson	Garrett	Kelly	St. John (Lawrence)	
Bentley	Goodwin	Kilborn	Shaver	
Black	Henderson	Lawson	Simpson	
Bradford	High	Madison	Taylor	
Carlton	Hill	McCary	Toomer	
Cobb	Hornsby	Pinson	Walton	
Dodson				—28
Nays:				—0

The bill:

H. 237. To further provide for the general revenue of the State of Alabama.

Was taken up.

Mr. Simpson offered the following amendment to the bill, to-wit:

Amend Section 3, H. B. 237, by striking theerfrom the words, "June 1st, 1943" where the same occur together therein, and by inserting in lieu thereof, the words, "July 1st, 1943."

Which was adopted.

Yeas, 25; Nays, 2.

Messrs.:	Espy	Kelly	St. John (Lawrence)
Benson	Garrett	Kilborn	Shaver
Bradford	Goodwin	Lawson	Simpson
Carlton	High	Madison	Taylor
Cater	Hill	Pinson	Toomer
Cobb	Hornsby	St. John (Cullman)	Walton
Dodson	Jones		—25

Nays: Messrs: Bentley and Henderson —2

Mr. St. John (Lawrence) moved that the Senate reconsider the vote by which the bill was ordered to its third reading and engrossment.

And on motion of Mr. Kilborn, said motion was laid on the table.

Yeas, 20; Nays, 7.

Messrs.:	Cobb	Hill	Pinson
Bentley	Dodson	Jones	Shaver
Black	Espy	Kelly	Sherrer
Bradford	Garrett	Kilborn	Simpson
Carlton	Goodwin	Madison	Toomer
Cater			—20

Nays:			
Messrs.:	Henderson	Lawson	St. John (Lawrence)
Benson	Hornsby	St. John (Cullman)	Walton
			—7

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 27; Nays, 4.

Messrs.:	Bradford	Cobb	Garrett
Benson	Carlton	Dodson	Goodwin
Black	Cater	Espy	High

Hill	Kilborn	St. John (Cullman)	Simpson
Hornsby	Lawson	St. John (Lawrence)	Taylor
Jones	Madison	Shaver	Toomer
Kelly	Pinson	Sherrer	Walton

—27

Nays: Messrs.: Bentley, Henderson, McCary and Newton —4

The bill:

H. 193. To amend Title 5, Section 249, Code of 1940, to provide for conservatorship and receivership of Savings and Loan Associations.

Was read a third time at length and passed.

Yeas, 25; Nays, 0.

Messrs.:	Espy	Kelly	St. John (Cullman)
Bentley	Garrett	Kilborn	St. John (Lawrence)
Bradford	Henderson	Lawson	Shaver
Carlton	High	Madison	Simpson
Cater	Hill	McCary	Taylor
Cobb	Hornsby	Pinson	Walton
Dodson	Jones		

—25

Nays: —0

The bill:

H. 186. To amend Title 5, Section 243, Code of 1940, to provide the supervistory power of the Commissioner.

Was read a third time at length and passed.

Yeas, 21; Nays, 0.

Messrs.:	Dodson	Jones	Pinson
Bentley	Espy	Kelly	St. John (Cullman)
Bradford	Garrett	Kilborn	Shaver
Carlton	Henderson	Lawson	Simpson
Cater	High	McCary	Walton
Cobb	Hornsby		

—21

Nays: —0

The bill:

H. 170. To further regulate the supervision of credit unions.

Was read a third time at length and passed.

Yeas, 22; Nays, 0.

Messrs.:	Cater	Henderson	Jones
Benson	Cobb	High	Kelly
Bentley	Dodson	Hill	Kilborn
Carlton	Espy	Hornsby	Lawson

McCary	St. John (Lawrence)	Simpson	Walton	
Pinson	Shaver	Toomer		—22
Nays:				—0

The bill:

H. 168. To amend Title 5, Section 244, Code of 1940, to provide for the Savings & Loan Board.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Messrs.:	Dodson	Hornsby	St. John (Lawrence)	
Benson	Espy	Kelly	Sherrer	
Bradford	Goodwin	Kilborn	Simpson	
Carlton	Henderson	Lawson	Taylor	
Cater	High	Newton	Toomer	
Cobb	Hill	St. John (Cullman)	Walton	
				—23
Nays:				—0

The bill:

H. 185. To amend Title 5, Section 239, Code of 1940, to provide for unclaimed funds of Associations and Liquidations.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Messrs.:	Espy	Kelly	Shaver	
Benson	Goodwin	Kilborn	Sherrer	
Bentley	Henderson	Lawson	Simpson	
Bradford	High	Madison	Taylor	
Cater	Hill	McCary	Toomer	
Cobb	Hornsby	Newton	Walton	
Dodson	Jones	St. John (Lawrence)		—26
Nays:				—0

The bill:

H. 169. To Provide for the Payment of the Expenses of Examining Credit Unions.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Messrs.:	Goodwin	Lawson	Shaver	
Benson	High	Madison	Sherrer	
Bradford	Hill	McCary	Simpson	
Carlton	Hornsby	Newton	Taylor	
Cater	Jones	Pinson	Toomer	
Cobb	Kelly	St. John (Cullman)	Walton	
Espy	Kilborn	St. John (Lawrence)		—26
Nays:				—0

The bill:

S. 22. To promote the prevention and cure of cancer; to authorize the State Board of Health, in collaboration with the committee on Cancer Control of the Medical Association of the State of Alabama, to establish a standard for the organization, equipment and conduct of cancer units or departments in general hospitals, or in private clinics in this State, and to conduct an educational campaign for cancer control; and to provide a plan for the care and treatment of indigent persons suffering from cancer; and to make appropriation therefor to enable the State Board of Health, acting in conjunction with the Committee on Cancer Control of the Medical Association of the State of Alabama, to carry out the provisions of this Act.

Was taken up.

The Standing Committee on Finance and Taxation offered the following amendment to the bill, to-wit:

Amend Senate Bill No. 22 by striking therefrom Section Four (4)—appropriation Section.

Mr. Simpson offered the following substitute for the bill and pending amendment, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To promote the prevention and cure of cancer; to authorize the State Board of Health, in collaboration with the Committee on Cancer Control of the Medical Association of the State of Alabama, to establish a standard for the organization, equipment and conduct of cancer units or departments in general hosptials, or in private clinics in this State, and to conduct an educational campaign for cancer control; and to provide a plan for the care and treatment of indigent persons suffering from cancer.

Be It Enacted By The Legislature of Alabama:

Section 1. That from and after the passage of this Act, it shall be the duty of the State Board of Health, with the assistance of the Committee on Cancer Control of the Medical Association of the State of Alabama, to formulate a plan for the care and treatment of indigent persons suffering from cancer, and to establish and designate standard requirements for the organization, equipment and conduct of cancer units or departments in general or private hospitals, or private clinics of this State. The designation of cancer units shall follow the survey of the needs and facili-

ties for treatment of cancer found available in different localities in the State.

Section 2. That the State Board of Health, in collaboration with the Committee on Cancer Control of the Medical Association of the State of Alabama, and other agencies, shall formulate and put into effect an educational plan for the purpose of preventing cancer throughout the State of Alabama, and for the purpose of aiding in the early diagnosis of cancer, and for the purpose of informing hospitals and cancer patients of the proper treatment.

Section 3. That the State Board of Health, acting in conjunction with the Committee on Cancer Control of the Medical Association of the State of Alabama, is authorized and directed to make rules and regulations specifying to what extent and on what terms and conditions indigent cancer patients of this State may receive financial aid for the diagnosis and treatment of cancer in any hospital selected for such work, or in designated private clinics. The State Board of Health, with the counsel of said Committee on Cancer Control, is hereby authorized to furnish such aid to such indigent cancer patients of this State, who are citizens of this State, to the extent of, and within the appropriation made for the purpose, as the State Board of Health shall deem proper. The State Board of Health shall have the power in its discretion to administer such aid in any manner which in its judgment will afford the greater benefit to cancer patients throughout the State, and shall have the power, to the extent of and within the appropriation provided, or which may be hereafter provided, to make suitable arrangements with laboratories, hospitals or private clinics already existing, or aid in the establishment of other suitable clinics, which shall in its discretion be deemed advisable to afford proper treatment and care to cancer patients in this State, and to carry out the intent and purpose of this Act.

Section 4. That in case any section or paragraph of any section of this Act shall be declared illegal or unconstitutional by the courts, the same shall not so effect the provisions of this Act not so declared to be illegal or unconstitutional.

Section 5. That all laws and parts of laws in conflict with this Act are hereby repealed.

Which was adopted.

Yeas, 24; Nays, 0.

Messrs.:	Bentley	Bradford	Cater
Benson	Black	Carlton	Cobb

Espy	Hornsby	McCary	Simpson	
Goodwin	Jones	Pinson	Taylor	
Henderson	Kilborn	St. John (Cullman)	Toomer	
High	Lawson	St. John (Lawrence)	Walton	
Hill				—24

Nays: —0

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 24; Nays, 0.

Messrs.:	Espy	Kelly	St. John (Lawrence)	
Benson	Goodwin	Kilborn	Shaver	
Bentley	High	Lawson	Simpson	
Black	Hill	McCary	Taylor	
Bradford	Hornsby	Pinson	Toomer	
Carlton	Jones	St. John (Cullman)	Walton	
Cater				—24

Nays: —0

The bill:

S. 225. To amend Section 8 Title 26 of the 1940 Code.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 29; Nays, 0.

Messrs.:	Espy	Kilborn	St. John (Lawrence)	
Benson	Garrett	Lawson	Shaver	
Bentley	Henderson	Madison	Sherrer	
Black	High	McCary	Simpson	
Bradford	Hill	Newton	Taylor	
Carlton	Hornsby	Pinson	Toomer	
Cater	Jones	St. John (Cullman)	Walton	
Cobb	Kelly			—29

Nays: —0

The bill:

H. 128. To make an appropriation for the support and maintenance of the Southern Industrial Institute.

Was read a third time at length and passed.

Yeas, 30; Nays, 0.

Messrs.:	Carlton	Goodwin	Jones
Benson	Cater	Henderson	Kelly
Bentley	Cobb	High	Kilborn
Black	Espy	Hill	Lawson
Bradford	Garrett	Hornsby	Madison

McCary	St. John (Cullman)	Sherrer	Toomer	
Newton	St. John (Lawrence)	Simpson	Walton	
Pinson	Shaver	Taylor		—30
Nays:				—0

CALENDAR BILLS INDEFINITELY POSTPONED

On motion of Mr. Kilborn, further consideration of the bills:

S. 140, 139, 115, 111, 112 and 221, was indefinitely postponed by the Senate.

RESOLUTIONS

Mr. Henderson offered the following Senate joint resolution, to-wit:

S. J. R. 36. BE IT RESOLVED BY THE SENATE, the House concurring, that Senate Bill No. 21 be known as the Madison-Norman Bill.

And on motion of Mr. Henderson, the rules were suspended and the resolution adopted.

Mr. Walton offered the following Senate joint resolution, to-wit:

S. J. R. No. 37. WHEREAS, on Friday, June 4, 1943, Boys' State, sponsored by the State Department of the American Legion of Alabama, will open and will continue for one week; and

WHEREAS, during this period of Boys' State, about one hundred fine boys from all sections of Alabama, and who are members of the junior classes in high school over the State, will assemble near Montgomery in the annual assembly of Boys' State; and

WHEREAS, during this time and specifically on Thursday, June 10, 1943, Honorable Homer Challioux, National Chairman of the Committee on Americanism of the American Legion of the United States, will attend Boys' State; and

WHEREAS, this is a period when Americanism is and ought to be paramount in the thoughts and lives of all citizens:

THEREFORE, BE IT RESOLVED by the Senate of Alabama, the House of Representatives concurring, that the President of the Senate of Alabama appoint one member of the Senate, and the Speaker of the House of Representatives appoint two members of the House, and that this Committee be authorized to invite the Honorable Homer Challioux and the entire membership of Boys' State to assemble with the Senate and House of Representatives of Alabama at some suitable hour on Thursday, June 10, 1943, to

hear an address by Honorable Homer Challioux, Chairman of the Committee on Americanism of the American Legion.

The rules were suspended and the resolution adopted.

The President of the Senate appointed Mr. Walton as Committee on part of the Senate.

Messrs. Kilborn, Madison and St. John (Cullman) offered the following Senate resolution, to-wit:

S. R. 38. WHEREAS, There is now pending in the Legislature of the State of Alabama House Bill 66, which provides for the creation of a War Emergency Council and the appropriation of the surplus over and above $750,000.00 in the State Treasury to the credit of the General Fund to a War Emergency Fund created by said Act, and further providing for the allocation of said fund by said War Emergency Council, of which the Governor is made chairman, to any department, institution, or agency, for which said funds are authorized to be expended when and in such a manner as said Council deems an emergency to necessitate, and the constitutionality of the Bill should be beyond question, therefore,

BE IT RESOLVED, By the Senate of Alabama, that the Justices of the Supreme Court of Alabama, or a majority of them, are hereby requested to render to this Body their written opinion, as provided by section 34, Title 13 of the 1940 Code of Alabama, as to whether said Act, a copy of which is hereto attached, violates any section of the constitution of the State of Alabama, and particularly sections 43, 72, 59, 280, 42 and 71 of said constitution.

On motion of Mr. St. John of Cullman, the rules were suspended and the resolution adopted.

The Rules Committee offered the following Senate resolution, to-wit:

S. R. 39. BE IT RESOLVED that the following bills shall be made special order of business on reaching the calendar on the 30th Day, June 2, 1943.

Local bills, S. 37, S. 41, S. 42, S. 44, S. 39, S. 213, H. 57, S. 87, S. 206, S. 151, S. 181, S. 192, S. 166, S. 95, S. 149, S. 89, H. 125.

Which was adopted.

Mr. Simpson offered the following Senate joint resolution, to-wit:

S. J. R. 40. Be it resolved by the Senate, the House concurring that,

Whereas, the Honorable Henry B. Steagall of Alabama is recognized as one of the outstanding members of the Congress of the United States, and has had a great share in writing Federal legislation in the last decade and now justly enjoys the esteem and confidence of the country at large.

Now, therefore, be it resolved that the Legislature of Alabama extends to the Honorable Henry B. Steagall an invitation to address it in joint session at such time as may be convenient to him and as can be arranged by a joint committee of three members of the House and two members of the Senate, to be appointed by the presiding officers of such bodies.

Be it further resolved that the Clerk of the House and Secretary of the Senate be instructed to forward a copy of this resolution to Mr. Steagall.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Carnley:

H. 12. To Repeal Section 26 of Title 11 of the Code of Alabama of 1940.

Also:

By Mr. Smyer:

H. 148. To amend Section 301 of Title 61 of the Code of Alabama of 1940.

Also:

By Mr. Sanderson:

H. 321. To repeal Title 62, section 349, of the Code of Alabama of 1940, and to place said circuit court reporters under the operation of the general act of Alabama relating to official circuit court reporters as set out in Title 13, sections 261-270, inclusive, as the same now exists or as same may from time to time be amended, Code of Alabama of 1940.

Also:

By Mr. Head:

H. 308. To amend Section 789 of Title 7 of the 1940 Code of Alabama:

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committee as follows:

House bills 12, 148, 321 and 308, to the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Head:

H. 304. To amend Section 38 of Title 34 of the 1940 Code of Alabama:

Also:

By Mr. Head:

H. 307. To repeal Section 27 of Title 34 of the 1940 Code of Alabama:

Also:

By Mr. Stewart:

H. 231. To amend Section 21 of Title 30 of the Code of Alabama of 1940.

Also:

By Mr. Harris:

H. 152. To amend Section 216 of Title 61 of the Code of Alabama of 1940.

Also:

By Mr. Allen:

H. 216. To amend Section 904, Title 7, Code 1940.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committee as follows:

House bills 304, 307, 231, 152 and 216, to the Committee on Judiciary.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled bills begs leave to report that said committee, in session, has compared the following enrolled bill with the original and engrossed bill, respectively, and finds same correctly enrolled, to-wit:

S. 232. To amend Section 15 of an Act entitled an Act "To establish in Precinct One in Madison County, Alabama, an Inferior Court in lieu of all Justices of the Peace and Notaries Public with the powers of a Justice of the Peace in the said Precinct, to be known as the Inferior Court of Huntsville, to define the jurisdiction and powers of said Court and the Judge thereof." Approved April 4, 1911, as amended by an Act of the Legislature approved March 2, 1931, and as further amended by an Act of the Legislature approved January 8, 1937.

Sam High,
Chairman,

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Allen and Mr. Rains:

H. 215. To Secure the Attendance of Witnesses from Within or Without a State in Criminal Proceedings, and to Provide the Method of procedure in procuring the attendance of Such Witnesses, to fix the Compensation and Allowance for Attending any Court or Grand Jury, under the Provisions of this Act.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee as follows:

H. 215, to the Committee on Judiciary.

REPORT OF COMMITTEE ON ENGROSSED BILLS

Mr. President:

Your Standing Committee on Engrossed Bills begs leave to report that said committee, in session, has compared the following bill with the original bill, and finds same correctly engrossed, to-wit:

S. 145. To alobish all matriculation and incidental fees in all accredited high schools of the State, except a reasonable fee for library, laboratory, fuel, music or band, shop work, or commercial course.

Orlan B. Hill,
Chairman,

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill and returns same herewith to the Senate:

S. 239. To authorize the Court of County Commissioners of Hale County, Alabama, to make appropriations, from time to time, from the General Fund of the county to the Hale County War Savings Staff, during the present war, to help pay the expenses and promote the work of said Hale County Savings Staff.

R. T. Goodwyn, Jr.,
Clerk.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully ex-

amined the Journal of the Senate for the twenty-ninth day and finds same correct and containing all original entries and references thereto required by the Constitution.

Jim Smith, Jr.,
Chairman,

COMMITTEE REPORT

On motion of Mr. Smith, the foregoing report was concurred in and the Journal of the Senate for the twenty-ninth Day approved by the Senate.

ADJOURNMENT

At 12:40 P. M., on motion of Mr. Kilborn, the Senate adjourned until tomorrow, Wednesday, June 2, 1943, at nine o'clock A. M.

THIRTIETH DAY

Wednesday, June 2, 1943.

The Senate met pursuant to adjournment, Lieutenant Governor Ellis presiding.

PRAYER

The session was opened with prayer by Rev. J. C. Coggin, Madison Avenue Baptist Church, Montgomery.

ROLL CALL

Present:

Messrs.:	Espy	Kelly	St. John (Lawrence)
Benson	Garrett	Kilborn	Shaver
Bentley	Goodwin	Lawson	Sherrer
Black	Henderson	Madison	Simpson
Bradford	High	McCary	Smith
Carlton	Hill	Newton	Taylor
Cater	Hornsby	Pinson	Toomer
Cobb	Jones	St. John (Cullman)	Walton
Dodson			—32

JOURNAL

On motion of Mr. Bentley, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:

H. 337. To provide that in the event a judge of the circuit court of Jefferson County, Alabama (Tenth Judicial Circuit) so requires, a bailiff or bailiffs heretofore or hereafter appointed by him may be required to perform clerical, stenographic and secretarial work in addition to other work.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA,
JEFFERSON COUNTY.

Personally appeared before me Rufie H. Bell, a Notary Public in and for said County in said State, Amie B. Meadows, who being by me first duly cautioned and sworn deposes and says that she is the Publisher of the Birmingham Record, a weekly newspaper, published in the State of Alabama, and in the City of Birmingham and in the County of Jefferson in said State; and that a legal notice was published for four consecutive weeks in said above named weekly newspaper, which said notice was in words and figures as follows:

"Please take notice that application will be made for the passage at the session of the Alabama Legislature beginning in May, 1943 of a bill reading as follows: In the event that a judge of the Circuit Court of Jefferson County, Alabama, (Tenth Judicial Circuit) so requires, a bailiff or bailiffs heretofore or hereafter appointed by him may be required to perform clerical, stenographic or secretarial work in addition to other work."

Affiant, the said Amie B. Meadows, further deposes and says that the said legal notice was published in the said above named weekly newspaper on the dates of March 20, 1943, March 27, 1943, April 3, 1943 and April 10, 1943.

AMIE B. MEADOWS,
Affiant, who is the Publisher of the Birmingham Record.

Sworn to and subscribed before me on this the 15 day of April, 1943.

RUFIE H. BELL,
(Seal) A Notary Public in and for Jefferson County, Alabama.

Also:

By Mr. Smyer:

H. 335. To apply only in the circuit court in counties having a population of 300,000 or more according to the last or any subsequent Federal census; to provide that in such courts the parties to any action, except prosecutions for capital felonies, may at any stage of a trial then pending and whether the jury has retired or not, unanimously consent with legal effectiveness to the discharge from further duty of any member of the jury trying the case, and to a continuation of the trial and the rendition of a verdict by the remaining jurors; and to further provide that in such courts and

in such actions the parties may, prior to the commencement of a trial, unanimously stipulate in open court with legal effectiveness that in the event it becomes necessary during the pendency of the trial, whether the jury has retired or not, for the court to discharge from further duty any member of the jury trying the case because of the juror's sickness or other good cause, the trial shall continue with and a verdict be rendered by the remaining jurors.

Also:

By Mr. Smyer:

H. 340. To authorize, provide for, and regulate the demanding, selection, impanelling and obtaining of six-man juries and twelve-man juries for trials in civil cases in the circuit court in counties having a population of 300,000 or more according to the last or any subsequent Federal census; and without limiting or derogating from the generality and comprehensiveness of the foregoing portion of this title, to authorize, provide for and regulate the number of men to compose juries for the trials of such cases; and to provide for six-man juries in such cases under specified conditions and circumstances, and to provide for twelve-man juries in such cases under other specified conditions and circumstances, and to provide the mode in which juries shall be struck or selected or obtained; and to make rules with reference to jury demands in such cases.

Also:

By Mr. Gwin:

H. 441. To provide for the disposition, in all counties of this State which, according to the last Federal census, or any subsequent Federal census, having a population of 300,000 or more of all fines, forfeitures and costs which hereafter may be paid by any person or persons convicted in any court of competent jurisdiction in such counties of violations of the rules and regulations promulgated by the State Highway Commission concerning the operation of motor vehicles upon the highways of this State, and of violations of the Alabama Highway Code, where the persons thus convicted have been arrested by the Sheriff, or his deputies, or by any other county or municipal law enforcement officer, qualified to make such arrests in such counties.

Also:

By Messrs. Gwin, Smyer, Edwards, Hodo, Sessions, Chichester, and Snyder:

H. 552. To further define and extend the powers, authority and duties of the Circuit Solicitor of the Tenth Judicial Circuit; to require the Circuit Solicitor of the Tenth Judicial Circuit to supervise the prosecution of all misdemeanors to be tried, and all

felonies to be heard on preliminary trial in the Jefferson County Court of Misdemeanors; and to authorize the Circuit Solicitor to appoint a Deputy Circuit Solicitor who shall prosecute in the Jefferson County Court of Misdemeanors; and to fix his salary and provide for payment thereof; and to repeal all laws or parts of laws local or general, in conflict with this Act.

R. T Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time at length and referred to appropriate standing committees as follows:

House bills, 337, 335, 340, 441 and 552, to the Committee on Legislation.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Kilborn:

S. 301. To provide for the maintenance, repair and improvements of the Partlow State School for Mental Deficients.

Committee on Finance and Taxation.

By Mr. Kilborn:

S. 302. To provide for the maintenance and establishment of a mental hygiene clinic in the State of Alabama; to define who shall be entitled to be admitted to said clinic and be examined, observed, advised with and treated therein; to provide for the care, observation and treatment of those admitted to said clinic, and to appropriate from the State Treasury the money necessary for the conduct and maintenance of said clinic; and to provide how and in what manner patients shall be admitted to and released or discharged from observation, care and treatment in the said clinic.

Committee on Finance and Taxation.

By Mr. Kilborn:

S. 303. To appropriate the sum of Three Hundred and Fifteen Thousand Dollars ($315,000.00) from the Treasury of the State of Alabama; to designate the purpose of and to whom said appropriation shall be made; and to provide when the same shall be paid and how the same shall be expended.

Committee on Finance and Taxation.

By Mr. Kilborn:

S. 304. To amend Section 229 of Title 45 of the Code of Alabama of 1940.

Committee on Finance and Taxation.

By Mr. Kilborn:

S. 305. To appropriate the su mof One Hundred and Thirty Thousand Dollars ($130,000.00) from the Treasury of the State of Alabama to be used and expended in the erection, construction, building and equipping of a building on the properties of the Alabama State Hospitals to be known as and used for a mental hygiene building; and to provide when the said appropriation shall be paid and how the same shall be expended.

Committee on Finance and Taxation.

By Mr. McCary:

S. 306. To amend Section 818 of Title 51, of the 1940 Code of Alabama.

Committee on Insurance.

By Mr. McCary:

S. 307. To provide for the refunding of Revenue Bonds of municipal corporations issued pursuant to the "Municipal Revenue Bond Act of 1935" and to authorize municipal corporations to issue and negotiate new bonds on such terms as the governing body shall deem advisable for the purpose of providing for the payment of any such outstanding bonds, including any premiums necessary to redeem or retire such bonds.

Committee on Municipalities and Municipal Organizations.

By Mr. Kilborn:

S. 308. To alter and rearragne the boundaries of the City of Mobile, Alabama, to describe the boundaries thereof, to merge the City of Prichard and the City of Mobile, as presently existing and certain other territories into the City of Mobile, to withdraw certain territory now within the boundaries of the City of Mobile from the same, to provide for the continuation of the government of the City of Mobile by the Board of Commissioners of the City of Mobile, to provide for the transfer of certain officers and employees of the City of Prichard to the employ of the City of Mobile, to provide the status of such officers and employees, to provide for the assumption of the obligations of the City of Prichard by the City of Mobile, and the manner of payment of the same, to provide for the transfer of all properties, assets and claims of the City of Prichard to the City of Mobile, to provide for the re-

peal of all laws in conflict herewith and to provide an effective date for this act.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given of intention to apply for passage of a local bill relating to the City of Mobile, the City of Prichard and certain other territory in Mobile County, Alabama, at the session of the Legislature of Alabama which will convene May 4, 1943, providing in substance as follows:

A BILL
TO BE ENTITLED
AN ACT

To alter and rearrange the boundaries of the City of Mobile, Alabama, to describe the boundaries thereof, to merge the City of Prichard and the City of Mobile, as presently existing and certain other territories into the City of Mobile, to withdraw certain territory now within the boundaries of the City of Mobile from the same, to provide for the continuation of the government of the City of Mobile by the Board of Commissioners of the City of Mobile, to provide for the transfer of certain officers and employes of the City of Prichard to the employ of the City of Mobile, to provide the status of such officers and employees, to provide for the assumption of the obligations of the City of Prichard by the City of Mobile, and the manner of payment of the same, to provide for the transfer of all properties, assets and claims of the City of Prichard to the City of Mobile, to provide for the repeal of all laws in conflict herewith and to provide an effective date for this act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section One: On and after the effective date of this act the boundaries of the City of Mobile, Alabama, shall be as follows: Beginning at a point where the north line of section 36, Township 3 South Range 1 West intersects the west bank of Spanish River; thence running west along the north line of sections 36, 35, 34 and 33, Township 3 South Range 1 West to the northwest corner of Section 33, Township 3 South Range 1 West; thence south along the west line of section 33, Township 3 South Range 1 West to a point of intersection with the South right-of-way line of the Chickasaw spur of the Gulf, Mobile & Ohio Railroad; thence south-westwardly along said South right-of-way line of the Chickasaw spur of the Gulf, Mobile & Ohio Railroad to a point of intersection with the North section line of Section 18, Township 4 South, Range 1 West; thence west along the north section line of Section 18, Township 4 South, Range 1 West to the northwest corner of Section 18, Township 4 South, Range 1 West; thence south along the west section lines of Sections 18, 19, 30 and 31, Township 4 South, Range 1 West to a point of intersection with the North bank of Bolton Branch; thence meandering southeastwardly along the north bank of Bolton Branch to a point of intersection with the east right-of-way line of the Navco Road; thence southwardly along the east right-of-way line of the Navco Road to a point of intersection with the north right-of-way line of the Louisville & Nashville Railroad Company; thence north-eastwardly along the North right-of-way line of the Louis-

villbe & Nashville Railroad Company to a point of intersection with the south boundary line of the Mandeville Tract; thence southwardly along the south boundary line of the Mandeville Tract across the Louisville & Nashville Railroad to a monument marked No. 8 of the United States Air Depot; thence continuing southeastwardly along the north boundary line of the United States Air Depot as defined by monuments 9, 10, 11 and 12 to the township lines between Township 4 South and Township 5 South, Range 1 West; thence east along said township line between Township 4 South and Township 5 South, Range 1 West to a point of intersection with the south bulkhead line of Arlington Pier; thence along said south bulkhead line of Arlington Pier and said bulkhead line produced southeastwardly to a point of intersection with the St. Stephens Meridian; thence north along said St. Stephens Meridian to a point of intersection with the west bank of Spanish River; thence northwestwardly along the west bank of Spanish River to the point of beginning; all in Mobile County, Alabama.

Section 2: All properties now included within the limits of the City of Mobile Alabama, which are not included within the new boundaries of the City of Mobile as provided herein are hereby withdrawn from the City of Mobile. The City of Prichard and the City of Mobile as presently existing, together with the other territory included within the boundaries of the City of Mobile provided in this act are hereby merged and consolidated into the City of Mobile, Alabama.

Section 3: The form and manner of the government of the City of Mobile as enlarged hereby shall be the form and manner of government of the City of Mobile as otherwise exists by law.

Section 4: All officers and employees of the City of Prichard except the Mayor, Members of the City Council, City Clerk, Chief of Police, Chief of the Fire Department, City Recorder and City Attorney are hereby transferred to and made officers and employes of the City of Mobile with such rank as may be assigned to them by the City of Mobile, and after such transfer and assignment of rank may not be discharged except as provided by law. To the extent as may be required by law the City of Mobile shall continue the employment of the officers of the City of Prichard other than the mayor and members of the council with such duties and rank as may be assigned them. Anyone accepting such employment shall, where the same is applicable, be subject to the provisions of the merit law in operation in Mobile County.

Section 5: All obligations of the City of Prichard outstanding on the effective date of this act shall be and become forthwith obligations of the City of Mobile, payable as now or as may hereafter be provided.

Section 6: All properties, assets and claims of every nature of the City of Prichard outstanding on the effective date of this act shall be and become forthwith properties, assets and claims of the City of Mobile in the same manner.

Section 7: The members of the Board of Commissioners of the City of Mobile as it now exists in office at 12:00 midnight, October 1, 1943, shall be the members of the Board of Commissioners of the City of Mobile as hereby enlarged until their successors are elected and qualified as provided by law.

Section 8: All laws, general, local or special in conflict herewith are repealed.

Section 9: This act shall take effect at 12:00 midnight, September 30, 1943.

Press April 24, 26. May 3, 10, 17

Wm. M. Curran being sworn, says that he is Auditor of The Mobile Press and The Mobile Register daily newspapers printed and published in the City and County of Mobile. State of Alabama; and that the attached notice Appeared in the issues of The Mobile Press, April 24-26, May 3, 10&17, 1943.

W. M. CURRAN,

Sworn to and subscribed before this 3 day of May, 1943.

GREG L. KENNY,

(Seal) Notary Public.

By Mr. Kilborn:

S. 309. To provide for the Government of All Cities in the State of Alabama Which now Have or which May in the Future Have a Population of not less than Seventy-Eight Thousand and Five Hundred Inhabitants and not more than Two Hundred and Fifty Thousand Inhabitants according to the last or any Subsequent Federal Census.

Committee on Local Legislation.

By Mr. Cobb:

S. 310. To require all county officers to make an annual report to the boards of revenue, the courts of county commissioners, or other county governing bodies showing all salaries, fees, costs, commissions and charges earned or collected by them during the last fiscal year by reason of any official act, or for the performance of any service connected directly or indirectly with their county offices, or for the sale of any information or copies of any documents, papers, maps, or records relating directly or indirectly to said offices; and to require publication of a report containing this information by the said county governing bodies.

Committee on Judiciary.

By Mr. Sherrer:

S. 311. To amend sub-section (j) of Section 2, Title 51 of the 1940 Code of Alabama.

Committee on Judiciary.

By Mr. Newton:

S. 312. To amend Section 3, Title 54, Code of 1940.

Committee on Local Legislation.

REPORTS OF COMMITTEES

Mr. Henderson, Chairman of the Standing Committee on Constitution and Constitutional Revision and Amendments, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Benson, Madison, Walton, Henderson and Taylor:

S. 205. To propose to amend Section 194½ of the Constitution of Alabama so that as amended said Section shall read as follows: "Section 194½. No person who honorably served in the Military Service of the United States between January 1, 1917, and November 11, 1918, and after December 7, 1941, or at any time, past or present or future, when the United States was, is or shall be at

war with any foreign state, shall be required after the beginning of such service to pay the Poll Tax specified in the Constitution of Alabama as a prerequisite to the privilege of voting in Alabama; but, on the contrary, every such person shall be exempt from the payment of all Poll Taxes which have theretofore accrued and have not been paid or which may thereafter accrue; provided, however, that if any such person is discharged dishonorably from said service, the exemption herein provided is forfeited, and such dishonorably discharged person, as a prerequisite to the privilege of voting in Alabama thereafter, must pay the Poll Tax specified in the Constitution of Alabama as if such person had never been in such service. The term "Military Service" as used in this Act shall mean service by any person in the armed forces of the United States. The United States shall not be deemed at war with a foreign state within the meaning of this Section at a time when an armistice exists between the United States and the foreign state. The Judge of Probate shall issue a certificate of exemption to a person exempt from the payment of Poll Tax by reason of this Section under such rules and regulations as may be prescribed by the Governor. This Section shall be self-executing and retroactive; but the Legislature is authorized to enact laws designed to carry out the purposes of this Section;" and to order an election by the qualified electors of the state upon such proposed amendment to be held on the date of the holding of the next general election held after the final adjournment of the present session of the Legislature.

The above bill was read a second time at length as required by the Constitution.

By Mr. Newton:

S. 237. To amend Section 34 of Article 1 of the 1901 Constitution of Alabama.

The above bill was read a second time at length as required by the Constitution.

Mr. Pinson, Vice Chairman of the Standing Committee on Forestry and Conservation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Simpson:

S. 254. To provide for the distribution by the State among the several counties of the State of proceeds derived from receipts from National Forests; to provide the purpose for which

said proceeds may be used by the respective counties and to provide for the expenditure and the purpose for which expenditures may be made of all moneys now held by any county of this State which it received as proceeds from National Forests located therein from the State or Federal Government or any Department or Agency thereof.

By Mr. Simpson (with amendment):
S. 134. To Amend Section 204 of Title 8 of the Code of Alabama of 1940.

Mr. St. John (Cullman), Chairman of the Standing Committee on Municipalities and Municipal Organizations, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. St. John (Cullman):
S. 146. To amend Section 117 of Title 28, Code of Alabama of 1940.

By Mr. Fite:
H. 75. To provide for placing names on ballots in municipal elections held pursuant to Section 27 of Title 37 of the Alabama Code of 1940.

By Mr. Hooton:
H. 117. To amend Section 10 of Title 37 of the 1940 Code of Alabama.

By Mr. Rains:

H. 141. To amend Section 462 of Title 37 of the 1940 Code of Alabama, so as to provide for the manner of publication of building code ordinances.

By Mr. Espy:
S. 236. To amend Article 6, Sections 387 and 388 of Title 62 of the 1940 Code of Alabama.

By Mr. Kilborn:
S. 291. To authorize municipalities to adopt ordinances providing for the taking up and storing of abandoned and stolen personal property found within the corporate limits and outside the corporate limits but within the police jurisdiction of such cities and towns, and to authorize and regulate the sale of such property so taken up and stored, and the disposition of the proceeds of such sales.

By Mr. Kilborn:
S. 292. To repeal Section 353 of Title 62 of the Alabama Code of 1940.

By Mr. Edwards:
H. 55. To repeal Section 149 of Title 52 of the Code of Alabama, 1940.

By Mr. Rains:
H. 36. To amend Section 287 of Title 37 of the Code of Alabama of 1940.

By Mr. Rains:
H. 35. To amend Section 240 of Title 55, of the Code of Alabama of 1940.

By Mr. Rains:
H. 34. To amend Section 242 of Title 55 of the Code of Alabama of 1940.

By Mr. McCurdy:
H. 33. An Act relating to the investment of funds of counties, cities and towns.

By Messrs. Dodson and Goodwin:
S. 269. To authorize any municipality in this State situated within the territorial limits of any power district proposed to be served with electricity and related services by a public non-profit corporation to advance funds to such corporation for the purpose of paying its preliminary organization and administration expenses, and to provide for the terms of any such advances.

By Messrs. Dodson and Goodwin:
S. 268. To authorize the organization of public non-profit corporations for the purpose of acquiring and operating facilities for the production, transmission and distribution of electricity and related services in power districts to be composed of all or parts of any three or more connecting counties; to specify the method of amending the certificate of incorporation of any such corporation; to provide for its management; to define its powers, including the power of eminent domain with certain limitations, the power to fix and collect rates and charges for services rendered, and the power to raise funds necessary for its purposes by the issuance of revenue bonds payable solely from the revenues derived from the operation of its properties, which bonds and the interest coupons applicable thereto shall be negotiable; to exempt from all taxation all such bonds together with the income therefrom and any security executed therefor of pledges and mortgages

and deeds of trust as security for such bonds; to require the consent of the Department of Finance to the issuance of such bonds; to specify the properties of such bonds and the rights and remedies of the holders thereof; to provide that such corporation shall not be subject to the jurisdiction of the Alabama Public Service Commission; and to provide for the distribution of the assets of any such corporation on its dissolution.

Mr. Cobb, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Espy (with nottice and proof):

S. 293. To declare that portion of Morgan Street in the City of Dothan, Alabama, located and situated in the SE¼ of NE¼ of Section 23, Township 3, Range 26, and a part of "Westover" according to map recorded in Deed Book 8, formerly belonging to Joseph Lee Rhodes, extending south from West Mead Avenue, shall, upon the passage and approval of this Act, cease to be a public street, and authorize Christina M. Smith, her heirs and assigns, to perpetually use and occupy said portion of said street and vesting the title in the said Christina M. Smith.

By Messrs. Allen and Rains (with notice and proof):

H. 437. To Fix The Compensation Or Salary To Be Paid The Tax Collector of Etowah County, Alabama, And To Regulate The Payment Of The Same; To Provide For Compensation of Clerks, Deputies, Clerical Assistants and Other Expenses in Said Office of The Tax Collector of Etowah County, Alabama, and To Require Said Tax Collector To Collect All The Fees, Compensation and Allowances Heretofore Or Hereafter Authorized to Be Collected By Him, Including Compensation Payable To Him For Collecting Ad Valorem Taxes For The Several Municipalities In Etowah County, And To Pay Same Into The County Treasury Of Etowah County; To Provide For The Payment Of The Salary Or Compensation Of Said Tax Collector Of Etowah County, And The Clerks, Deputies And Other Clerical Assistants, And Other Office Expenses Out Of The Funds Of Etowah County, And To Provide Rules And Regulations For The Management And Operation Of Such Office Made Necessary By Changing The Method And Basis of Compensation Of Such Tax Collector, And To Prescribe When This Act Shall Go Into Effect.

By Messrs. Allen and Rains (with notice and proof):

H. 438. To Fix The Compensation Or Salary To Be Paid The Tax Assessor Of Etowah County, Alabama, And To Regulate The Payment Of The Same; To Provide For Compensation of Clerks, Deputies, Clerical Assistants and Other Expenses In Said Office Of The Tax Assessor Of Etowah County, Alabama, And And Allowances Heretofore Or Hereafter Authorized To Be Collected by Him, Including Compensation Payable To Him For To Require Said Tax Assessor To Collect All Fees, Compensation Making Ad Valorem Tax Assessments For The Several Municipalities In Etowah County, And To Pay Same Into The County Treasury Of Etowah County; To Provide For The Payment Of The Salary Or Compensation Of Said Tax Assessor Of Etowah County, and The Clerks, Deputies And Other Clerical Assistants And Other Office Expenses Out Of The Funds Of Etowah County, And To Provide Rules And Regulations For The Management And Operation Of Such Office Made Necessary By Changing The Method And Basis Of Compensation Of Said Tax Assessor, And To Prescribe When This Act Shall Go Into Effect.

By Messrs. Allen and Rains (with notice and proof):

H. 439. To fix the compensation or salary to be paid the Judge of Probate of Etowah County, Alabama, to regulate the payment of the same; to provide for the compensation of clerks, deputies, clerical assistants and other expenses in the Probate Office of Etowah County, Alabama, and to require said Judge of Probate to collect all the fees, compensation and allowances heretofore or hereafter collected by said Judge of Probate, and to pay same into the County Treasury of Etowah County; to provide for the payment of the salary or compensation of said Judge of Probate and the clerks, deputies and other clerical assistants, and other office expenses, out of the funds of Etowah County, and to provide rules and regulations for the management and operation of such office made necessary by changing the method and basis of compensation of such Judge of Probate, and to prescribe when this Act shall go into effect.

By Mr. Sightler (with notice and proof):

H. 543. To repeal "An act to authorize and require the Board of Education of Montgomery County, Alabama, to provide a pension or retiring allowance for teachers who have served in the public schools of Montgomery County Alabama," approved September 5, 1939; and to provide pension retiring allowances for teachers heretofore placed on the retired list by the Board of Education of Montgomery County, Alabama; and to authorize said Board to supplement retirement allowances under the State Teachers' Re-

tirement System for teachers who may retire as members of said State Retirement System on or before July 1, 1950.

By Mr. Still (with notice and proof):

H. 526. To authorize the Chambers County Board of Education to pay to J. T. Phillips the principal amount of a note for One Thousand Dollars executed by the Trustees of the Chambers County Training School of LaFayette, Alabama on August 20, 1919, together with interest thereon from date from date of maturity at not exceeding four per cent per annum.

By Mr. Still (with notice and proof):

H. 252. To fix the salary of the Deputy Solicitor for Lee County, Alabama, and to provide for the manner of payment of the same.

Mr. Lawson, Chairman of the Standing Committee on Banking, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. White:

H. 192. To amend Section 187 of Title 5 of the 1940 Code of Alabama.

REPORT FROM RULES COMMITTEE

Mr. Carlton, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following resolutions, and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 13. Designating Senate Bill #17 as the Hooten-Walton Bill.

H. J. R. 12. Designating Senate Bill #15 as the Walton-Hooten Bill.

And said resolutions, H. J. R. 12, and H. J. R. 13, were then adopted by the Senate.

REPORT FROM RULES COMMITTEE

Mr. Carlton, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following Senate joint resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 40. Extending invitation to Honorable Henry B. Steagall to address Joint Session of the Legislature.

And said resolution was then adopted by the Senate.

And the President of the Senate appointed Messrs. Simpson and Goodwin as Committee on Part of the Senate.

REPORT FROM RULES COMMITTEE

Mr. Carlton, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following Senate joint resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 19 (with amendment). Providing for a Federation of the World.

And the Senate then adopted the following amendment to the resolution, S. J. R. 19, to-wit:

Amend S. J. R. 19: By making Section 1 thereof read as follows:

Section 1: That the Legislature of Alabama does hereby request the Senators and Members of Congress from Alabama support and vote for a Resolution in Congress approving the principle of World Federation.

And the resolution, S. J. R. 19, as thus amended, was adopted by the Senate.

CONSIDERATION OF SPECIAL ORDERS

The calendar being reached in order of business, the Senate proceeded to consideration of the Special Orders for today, the first of which was the bill:

S. 174. Concerning, and defining, and limiting liability for participation in breaches of fiduciary obligations, and to make uniform the law with reference thereto.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:	Black	Cater	Espy
Benson	Bradford	Cobb	Garrett
Bentley	Carlton	Dodson	Goodwin

Henderson	Jones	McCary	Shaver
High	Kilborn	Newton	Sherrer
Hill	Lawson	Pinson	Walton
Hornsby	Madison	St. John (Cullman)	—26

Nays: —0

The bill:

H. 79. To regulate the practice in equity cases in the matter of objection to and consideration of testimony and evidence.

Was read a third time at length and passed.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:	Dodson	Hornsby	Newton
Benson	Espy	Jones	Pinson
Black	Garrett	Kelly	St. John (Cullman)
Bradford	Goodwin	Kilborn	Shaver
Carlton	Henderson	Madison	Simpson
Cater	High	McCary	Walton
Cobb			—24

Nays: —0

The bill:

S. 64. To provide for the blood testing for Syphilis of all persons residing in Alabama, and to appropriate not to exceed $75,000 annually to carry out the terms of this Act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:	Cobb	Hornsby	Pinson
Benson	Dodson	Jones	St. John (Cullman)
Bentley	Espy	Kelly	St. John (Lawrence)
Black	Garrett	Kilborn	Simpson
Bradford	Goodwin	Lawson	Smith
Carlton	Henderson	Madison	Walton
Cater	High	McCary	—26

Nays: —0

The bill:

S. 66. To give to the Alabama State Highway Department the authority to acquire in the name of the State, lands or other properties for aeronautical purposes; to construct air navigation facilities in the State of Alabama; to maintain such facilities; and to otherwise enlarge its powers.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:	Dodson	Kelly	St. John (Cullman)
Benson	Espy	Kilborn	St. John (Lawrence)
Bentley	Goodwin	Lawson	Shaver
Black	Henderson	Madison	Simpson
Bradford	High	McCary	Smith
Carlton	Hornsby	Pinson	Walton
Cater	Jones		—25

Nays: —0

The bill:

S. 219. To propose an amendment to Article IV, Section 93 of the Constitution of Alabama; providing that the state may engage in the construction, improvement, repairs, maintenance and operation of public airports, air laiding fields and other navigation facilities in the State of Alabama and may appropriate money or otherwise provide funds for this purpose; providing that the state may use convict labor and equipment for such purposes; providing that the state may grant the use of such facilities or lease parts of such facilities or properties adjoining such facilities to the Federal government, the counties, the municipalities or the other instrumentalities or institutions of government or to any person, firm, corporation or association, and providing that the state may sell or transfer such facilities to the Federal government, to any city, town or instrumentality, public institution or political subdivision of government and to order an election for the qualified voters of the State of Alabama upon such proposed amendment to be held at the next general election held after the final adjournment of the present session of the Legislature at which this amendment was proposed and to provide for the manner of holding said election.

Was taken up.

The Standing Committee on Constitution and Constitutional Revision and Amendments offered the following substitute for the bill, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To propose an amendment to Article IV, Section 93 of the Constitution of Alabama, providing that the state may engage in the construction, improvement, repairs, maintenance and operation of public airports, air landing fields and other navigation facilities in the State of Alabama and may appropriate money or otherwise provide funds for this purpose; and to order an election for the qualified voters of the State of Alabama upon such proposed amendment to be held at the next general election held after the final adjournment of the present session of the Legislature at which this amendment is proposed and to provide for the manner of holding said election.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed and an election is hereby ordered by the qualified electors in the State of Alabama upon the proposed amendment and the day appointed for the said election is the date of the holding of the next general election held after the final adjournment of the present session of the Legislature. The proposed amendment is as follows:

"Article IV Section 93—The state shall not engage in works of internal improvement, nor lend money or its credit in aid of such, except as may be authorized by the Constitution of Alabama or amendments thereto; nor shall the state be interested in any private or corporate enterprise, or lend money or its credit to any individual, association, or corporation, except as may be expressly authorized by the Constitution of Alabama, or amendments thereto.

"When authorized by laws passed by the Legislature the state may appropriate funds to be applied to the contruction, repair, and maintenance of public roads, highways and bridges in the state.

"When authorized by appropriate laws passed by the Legislature the state may at a cost not exceeding ten million dollars engage in the work of internal improvement, or promoting, developing, constructing, maintaining and operating all harbors and seaports within the state or its jurisdiction, provided, that such work or improvement shall always be and remain under the management and control of the state, through its State Harbor Commission, or other governing agency.

"When authorized by laws passed by the Legislature the state may engage in the construction, improvement, repairs and

maintenance and operation of public airports, air landing fields and other air navigation facilities in the State of Alabama and may appropriate money or otherwise provide funds for this purpose.

"The adoption of this amendment shall not affect in any manner any other amendment to the Constitution of Alabama which may be adopted pursuant to any act or resolution of this session of the Legislature."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the state once a week for at least four successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment and on the official ballot for such election, there shall be printed the following, viz:

"Shall the following be adopted as an amendment to the Constitution of Alabama:

"The state shall not engage in works of internal improvement, nor lend money or its credit in aid of such, except as may be authorized by the Constitution of Alabama or amendments thereto; nor shall the state be interested in any private or corporate enterprise, or lend money or its credit to any individaul, association, or corporation, except as may be expressly authorized by the Constitution of Alabama, or amendments thereto.

"When authorized by laws passed by the Legislature the state may appropriate funds to be applied to the construction, repair, and maintenance of public roads, highways and bridges in the state.

"When authorized by appropriate laws passed by the Legislature the state may at a cost of not exceeding ten million dollars engage in the work of internal improvement, or promoting, developing, constructing, maintaining, and operating all harobrs and seaports within the state or its jurisdiction, provided, that such work or improvement shall always be and remain under the management and control of the state, through its State Harbor Commission, or other governing agency.

"When authorized by laws passed by the Legislature the state may engage in the construction, improvement, repairs and maintenance and operation of public airports, air landing fields and other air navigation facilities in the State of Alabama and may appropriate money or otherwise provide funds for this purpose.

"The adoption of this amendment shall not affect in any manner any other amendment to the Constitution of Alabama which may

be adopted pursuant to any act or resolution of this session of the Legislature.

"Yes (————)
No (————)."

Section 4. The officers to hold such election shall be appointed in the same manner and by the same officials as now provided by the election laws of the state for the appointment of officers to hold general elections held in this state, and the election shall be held in all things in accordance with this Act, the law governing elections, and constitutional provisions concerning amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated, and returns thereof made to the Secretary of State and counted in the same manner as in elections of Representatives to the Legislature; and if it shall appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid and to all intents and purposes as a part of the Constitution of the State of Alabama. The results of such election shall be made known by a proclamation of the Governor.

Which was adopted.

Yeas, 26; Nays, 3.

Yeas:

Messrs.:	Garrett	Lawson	Sherrer	
Benson	Goodwin	Madison	Simpson	
Bradford	Henderson	McCary	Smith	
Carlton	Hill	Newton	Taylor	
Cater	Hornsby	Pinson	Toomer	
Dodson	Jones	St. John (Cullman)	Walton	
Espy	Kelly	St. John (Lawrence)		—26

Nays: Messrs.: Bentley, Cobb and Kilborn —3

Mr. Cobb moved that further consideration of the bill, as amended by the substitute, be postponed until the thirty-sixth day, which motion was laid was laid on the table.

Mr. Hill moved that further consideration of the bill, as amended by the substitute, be postponed to the thirty-second day, which motion prevailed.

Mr. Hill also moved that 250 copies of the bill, as amended by the substitute, be ordered printed for the use of the Seante, which was adopted.

The bill:

S. 37. To amend Section 118 of Title 22 of the 1940 Code of Alabama, relating to public health.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 22; Nays, 5.

Yeas:

Messrs.:	Espy	Kelly	Shaver	
Benson	Garrett	McCary	Sherrer	
Bentley	Goodwin	Newton	Simpson	
Black	Henderson	Pinson	Smith	
Bradford	Hornsby	St. John (Cullman)	Walton	
Dodson	Jones	St. John (Lawrence)		—22

Nays: Messrs.: Carlton, Cater, Cobb, High and Hill —5

Mr. Kilborn moved that the Senate reconsider the vote by which it just passed the bill, S. 37, and further moved to carry the motion to reconsider over to the next day, which motion prevailed.

The bill:

S. 213. To empower the governing body of every State department, of every county, municipality, board, commission or subdivision of the State of Alabaam to contribute to the premiums on group life insurance policies and group hospitalization insurance on the lives of such of its officers or employees who desire to take out such insurance, and to provide for the method of collection of premiums by deductions from the salaries of officers and employees of the various political subdivisions who consent and subscribe to a play of group life insurance and group hospitalization insurance, or either, and to limit the monthly amount per employe which may be so expended and to permit the governing bodies of such State departments and of any county, municipality or subdivision of the State to appropriate funds for this purpose.

Was taken up.

The Standing Committee on Insurance offered the following amendment to the bill, to-wit:

Amend S. 213 by striking therefrom where the same appear together in Section 3 the words and figures, or phrase, "But said contribution shall not exceed the sum of sixty-five cents (65c) per month per thousand dollars of life insurance per employe in the group covered by such insurance plan,"

Which was adopted.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Dodson	Kelly	Shaver
Benson	Garrett	Kilborn	Sherrer
Bentley	Henderson	Madison	Simpson
Bradford	Hill	McCary	Smith
Carlton	Hornsby	St. John (Cullman)	Taylor
Cobb	Jones	St. John (Lawrence)	Toomer

—23

Nays: —0

And said bill, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	Jones	Newton
Benson	Espy	Kelly	St. John (Cullman)
Bentley	Garrett	Kilborn	Shaver
Black	Henderson	Lawson	Sherrer
Bradford	Hill	Madison	Toomer
Carlton	Hornsby	McCary	Walton

—23

Nays: —0

The bill:

H. 57. To provide for the promotion, encouragement, development and regulation of aeronautics, air navigation aids and facilities, airmen and air craft; to provide for the survey, location, mapping and development of state airways and airway facilities; to provide for the registration and issuance of permits, and to establish fees therefor, to operators, instructors, air craft and airmen, suspension and revocation of such permits; to provide for the encouragement of the location in the state of aeronautical industries; to provide for the operating of, and leasing of, state-owned air navigation facilities; to create a commission for the administration of this act and for the enforcement of the laws of the State of Alabama and of the rules and regulations established by said Commission; to define and describe the powers, duties, responsibilities and privileges of said Commission; and to create a fund for the purpose of this Act.

Was taken up.

Mr. Kilborn offered the following amendment to the bill, to-wit:

Amend Section 8 of H. B. 57 by inserting the words "subject to the merit system act" after the word "business" at the end of the third sentence in said Section.

Which was adopted.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:	Espy	Kilborn	St. John (Lawrence)	
Bentley	Goodwin	Lawson	Shaver	
Black	Henderson	Madison	Sherrer	
Bradford	Hill	McCary	Simpson	
Carlton	Hornsby	Newton	Toomer	
Cater	Jones	St. John (Cullman)	Walton	
Dodson	Kelly			—25

Nays: —0

Mr. Hornsby offered the following amendment to the bill, to-wit:

Amend Section 3 of H. 57 by striking out this section as written and inserting in lieu thereof the following:

Section 3. Exemption: Military and other Federally owned Aircraft and Air Navigation Facilities. Interstate Traffic.

Any and all personnel, aircraft, air navigation facilities, or other property, owned, leased, hired or otherwise used by, and the business activities and operations of, the United States Government, the armed forces of any nation friendly to the United States, and scheduled air transport companies engaged in interstate traffic, are exempt from the provisions of this Act.

For the purpose of this Act where a scheduled air transport company engaged in interstate traffic in Alabama engages also in scheduled intrastate operations as a part of their interstate system, such intrastate operations shall also be exempt.

On motion of Mr. Walton, further consideration of the bill, as amended, and pending amendment was postponed until the thirty-sixth day.

Also on motion of Mr. Walton, 200 copies of the bill, as amended, and pending amendment, were ordered printed for the use of the Senate.

The bill:

S. 206. To amend Section 44 and 49 of Chapter 2 of Title 60 of Code of Alabama of 1940 establishing the office of state service

commissioner, authorizing the position of assistant state service commissioner, the offices of state service field commissioners and other personnel of the commissioner's office, defining their duties, and fixing the compensation therefor.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:	Cobb	Hornsby	St. John (Lawrence)
Benson	Espy	Kelly	Sherrer
Bentley	Garrett	Lawson	Simpson
Black	Goodwin	Madison	Smith
Bradford	Henderson	McCary	Toomer
Carlton	High	Newton	Walton
Cater	Hill		—25

Nays: —0

The bill:

S. 151. To amend Section 279 of Title 26, Code of Alabama, 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 1.

Yeas:

Messrs.:	Espy	Kilborn	Sherrer
Benson	Garrett	Lawson	Simpson
Bentley	Goodwin	Madison	Smith
Black	Henderson	McCary	Taylor
Cater	High	Newton	Toomer
Cobb	Hill	St. John (Cullman)	Walton
Dodson	Hornsby	St. John (Lawrence)	—26

Nay: Mr. Shaver —1

The bill:

S. 87. To mande Section 154 of Title 41 of the 1940 Code of Alabama.

Was taken up.

Mr. Kilborn offered the following amendment to the bill, to-wit:

Amend S. B. 87 by adding at the end of the 1st sentence the following "except that the governor, in a particular instance, may

authorize the expenditure of more than $4.00 while traveling in the state."

And on motion of Mr. Kilborn, further consideration of the bill, and pending amendment, was postponed until the thirty-sixth day.

Also on motion of Mr. Kilborn, 200 copies of the bill, S. 87, and pending amendment, were ordered printed for the use of the Senate.

The bill:

S. 192. To amend Section 267 of Title 13, Code of Alabama, 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:	Cobb	Hornsby	Newton
Benson	Espy	Jones	Pinson
Bentley	Garrett	Kelly	St. John (Lawrence)
Black	Goodwin	Kilborn	Smith
Bradford	Henderson	Lawson	Taylor
Carlton	High	Madison	Walton
Cater	Hill	McCary	—26

Nays: —0

The bill:

S. 278. To fix the salary of the Judge of Probate of Montgomery County, Alabama, and to regulate the payment of same, and to provide for the selection of clerical help and other assistance to said Judge of Probate, and the manner of fixing their commissions autsorized by law to be collected by said Judge of lations for the payment and conduct of such Judge of Probate, and to provide for an ex-officio clerk of the Board of Registrars, and to require said Judge of Probate to pay into the County Treasury of said county, all costs and charges of courts, fees and compensations authorized by law to be collected by said Judge of Probate as other moneys belonging to said county are paid.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	Hornsby	McCary
Benson	Cobb	Jones	St. John (Lawrence)
Bentley	Goodwin	Kelly	Shaver
Black	Henderson	Kilborn	Sherrer
Bradford	High	Lawson	Simpson
Carlton	Hill	Madison	Smith

—23

Nays: —0

The bill:

S. 279. To fix the compensation or salary to be paid the tax collector of Montgomery County, Alabama, and to regulate the payment of same, to provide for the selection of clerical help and other assistance to said officer and the manner of fixing his compensation and paying the same, and to provide rules and regulations for the payment and conduct of such officer; and to require such officer to pay into the county treasury of said county all costs, charges of courts, fees and commissions authorized by law to be collected by said officer as other monies belonging to said county are paid, except any salary, fees or commissions paid said officer for collecting taxes for any municipality.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	Hornsby	McCary
Benson	Cobb	Jones	St. John (Lawrence)
Bentley	Goodwin	Kelly	Shaver
Black	Henderson	Kilborn	Sherrer
Bradford	High	Lawson	Simpson
Carlton	Hill	Madison	Smith

—23

Nays: —0

The bill:

H. 415. To prescribe the salary and the manner of payment of the same, of the Chief Deputy Sheriff for Blount County, Alabama.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Bentley	Bradford	Cater
Benson	Black	Carlton	Cobb

Goodwin	Hornsby	Lawson	Shaver
Henderson	Jones	Madison	Sherrer
High	Kelly	St. John (Cullman)	Simpson
Hill	Kilborn	St. John (Lawrence)	Smith

—23

Nays: —0

The bill:

H. 414. To regulate the fine and forfeiture fund of Blount County, and provide for the registration and payment of claims against said fund.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	Hornsby	St. John (Cullman)
Benson	Cobb	Jones	St. John (Lawrence)
Bentley	Goodwin	Kelly	Shaver
Black	Henderson	Kilborn	Sherrer
Bradford	High	Lawson	Simpson
Carlton	Hill	Madison	Smith

—23

Nays: —0

The bill:

H. 416. To prescribe the salary and the manner of payment of the same, of the Jailer of Blount County, Alabama.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	Hornsby	St. John (Cullman)
Benson	Cobb	Jones	St. John (Lawrence)
Bentley	Goodwin	Kelly	Shaver
Black	Henderson	Kilborn	Sherrer
Bradford	High	Lawson	Simpson
Carlton	Hill	Madison	Smith

—23

Nays: —0

The bill:

H. 417. To allow the Sheriff of Blount County, Alabama, an additional Deputy Sheriff to that now provided by law; to fix the salary of said Deputy and to make the same payable out of the general funds of Blount County in monthly installments.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	Hornsby	St. John (Cullman)
Benson	Cobb	Jones	St. John (Lawrence)
Bentley	Goodwin	Kelly	Shaver
Black	Henderson	Kilborn	Sherrer
Bradford	High	Lawson	Simpson
Carlton	Hill	Madison	Smith

—23

Nays: —0

The bill:

H. 105. To amend Section 3 of an act entitled: An Act "To place the Sheriff of Mobile County, Alabama, on a salary basis, and to provide the salary to be paid to such officer; to provide the date on which said officer shall be placed on a salary basis; to provide for the manner of payment of said salary of such officer out of the County Treasury of Mobile County, Alabama; to provide deputies, clerks, guards and other assistants for such officer and to provide the salaries and manner of payment o such salaries for such deputies, clerks, guards and other assistants; to provide for payment into the Treasury of Mobile County, Alabama, of all fees, fines and forfeitures collected by said officer; and to provide for the necessary equipment and supplies for said officer."

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	Hornsby	St. John (Cullman)
Benson	Cobb	Jones	St. John (Lawrence)
Bentley	Goodwin	Kelly	Shaver
Black	Henderson	Kilborn	Sherrer
Bradford	High	Lawson	Simpson
Carlton	Hill	Madison	Smith

—23

Nays: —0

The bill:

H. 94. To authorize the Sheriff of Mobile County, Alabama, to select and appoint an attorney to advise and counsel him on the operation of such office and to handle all legal matters pertaining to said office; to provide for the manner of the appointment of such attorney, the term of office of such attorney; to provide for the salary of such attorney and the method of payment of such salary.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	Hornsby	St. John (Cullman)
Benson	Cobb	Jones	St. John (Lawrence)
Bentley	Goodwin	Kelly	Shaver
Black	Henderson	Kilborn	Sherrer
Bradford	High	Lawson	Simpson
Carlton	Hill	Madison	Smith

—23

Nays: —0

The bill:

H. 150. To fix the salary of the Register of the Circuit Court of the Tenth Judicial Circuit of Alabama (Jefferson County) and to regulate the payment of the same.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	Hornsby	St. John (Cullman)
Benson	Cobb	Jones	St. John (Lawrence)
Bentley	Goodwin	Kelly	Shaver
Black	Henderson	Kilborn	Sherrer
Bradford	High	Lawson	Simpson
Carlton	Hill	Madison	Smith

—23

Nays: —0

The bill:

H. 167. To amend Title 5, Section 220, Code of 1940, to provide qualifications of Directors and Officers of Savings and Loan Associations.

Was read a third time at length and passed.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:	Espy	Kelly	St. John (Lawrence)
Bentley	Garrett	Kilborn	Shaver
Black	Henderson	Lawson	Sherrer
Bradford	High	Madison	Simpson
Carlton	Hornsby	Pinson	Taylor
Cater	Jones	St. John (Cullman)	Walton
Dodson			

—24

Nays: —0

The bill:

H. 125. To provide for the presentation and payment of all outstanding checks or warrants drawn against the Alabama Relief Administration or any account available for its use and the appropriation to the State Department of Public Welfare for public welfare purposes of such funds as are not claimed within six months from the passage of this Act.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cobb	Hornsby	St. John (Cullman)
Bentley	Dodson	Kelly	St. John (Lawrence)
Black	Espy	Kilborn	Shaver
Bradford	Garrett	Madison	Simpson
Carlton	Henderson	McCary	Taylor
Cater	High	Pinson	Walton

—23

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill:

S. 18. To provide for a public corporation for the purposes of constructing or causing to be constructed public roads and bridges in this State and related purposes; to describe its powers and duties, and to provide for the raising of necessary funds for such purposes, and to provide for the payment of the cost of construction of such roads and bridges, and to authorize such corporation to borrow money and match Federal funds for public roads, bridges and highways constructed and to issue bonds, warrants, assignments, transfers, or securities, and to aid in the several counties of the State in negotiating or otherwise financing interest bearing warrants of such counties, secured by pledge of the proceeds of gasoline tax appropriations to the counties by the State, and to contract with counties, the State Highway Department of Alabama, or other agencies performing any of the functions thereof by whatever name it may be known, the Federal Emergency Administration of Public Works, and any other branch or agency of the Federal Government or other authorities, and persons, firms, or corporations; and to repeal Article 3, Chapter 2, Title 23 of the Code of Alabama 1940, Sections 112 to 124, inclusive.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

On motion of Mr. Hornsby, the Senate concurred in the following House amendment to the bill, S. 18, the title of which is set out in the foregoing Message from the House, to-wit:

Amend Section 2 of Senate Bill 18 by striking "Alabama State Highway Corporation" on line 12 and 13 thereof and in lieu thereof add the following immediately after the word "be," "Alabama Highway Finance Corporation."

Yeas, 26; Nays, 0.

Yeas:

Messrs.:	Dodson	Jones	St. John (Lawrence)
Benson	Espy	Kilborn	Shaver
Bentley	Garrett	Lawson	Simpson
Black	Goodwin	Madison	Smith
Bradford	High	McCary	Toomer
Carlton	Hill	Newton	Walton
Cater	Hornsby	St. John (Cullman)	—26

Nays: —0

And said bill, as thus amended, was again read a third time at length and passed.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:	Dodson	Hornsby	St. John (Cullman)
Benson	Espy	Jones	St. John (Lawrence)
Bentley	Garrett	Kilborn	Shaver
Black	Goodwin	Lawson	Simpson
Bradford	Henderson	Madison	Smith
Carlton	High	McCary	Toomer
Cater	Hill	Newton	Walton

—27

Nays: —0

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bills with the original and engrossed bills, respectively, and finds same correctly enrolled, to-wit:

S. 239. To authorize the Court of County Commissioners of Hale County, Alabama, to make appropriations, from time to time, from the General Fund of the county to the Hale County

War Savings Staff, during the present war, to help pay the expenses and promote the work of said Hale County War Savings Staff.

Sam High,
Chairman.

SIGNING OF BILL.

The President of the Seante, in the presence of the Senate, after the reading thereof at lengh had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the bill:

H. 237. To further provide for the general revenue of the State of Alabama.

R. T. Goodwyn, Jr.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 168. To amend Title 5, Section 244, Code of 1940, to provide for the Savings & Loan Board.

Also:

H. 169. To Provide for the Payment of the Expenses of Examining Credit Unions.

Also:

H. 170. To further regulate the supervision of credit unions.

Also:

H. 185. To amend Title 5, Section 239, Code of 1940, to provide for unclaimed funds of Associations and Liquidations.

Also:

H. 186. To amend Title 5, Section 243, Code of 1940, to provide the supervisory power of the Commissioner.

Also:

H. 193. To amend Title 5, Section 249, Code of 1940, to provide for conservationship and receivership of Savings and Loan Associations.

Also:

H. 237. To further provide for the general revenue of the State of Alabama.

Also:

H. 285. To provide for the examination and auditing of the records and accounts of city boards of education upon the request of such boards by the division of examiners of public accounts of the State of Alabama, and to provide for the payment of the cost of such examination and audit by the State of Alabama.

R. T. Goodwyn, Jr.,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Eddins:

H. 496. To amend Section 86, of Title 55, of the 1940 Code of Alabama.

Also:

By Mr. Eddins:

H. 495. To amend Section 154, of Title 41, of the 1940 Code of Alabama.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoig Message from the House, were severally read one time and referred to appropriate standing committees as follows:

H. 496 and H. 495, to the Committee on Finance and Taxation.

ADVERSE CALENDAR BILLS INDEFINITELY POSTPONED

On motion of Mr. Kilborn, the bills, S. 214, and S. 90, were removed from the adverse calendar and were indefinitely postponed by the Senate.

CALENDAR BILLS INDEFINITELY POSTPONED

On motion of Mr. Jones, further consideration of the bill, S. 45, was indefinitely postponed by the Senate.

On motion of Mr. Walton, further consideration of the bill, S. 25, was indefinitely postponed by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills and returns same herewith to the Senate:

S. 163. To fix the term of office of Tax Assessors and to provide for their election.

Also:

S. 164. To fix the term of office of Tax Collectors, and to provide for their election.

R. T. Goodwyn, Jr.,
Clerk.

OPINION OF SUPREME COURT

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT
THE SUPREME COURT OF ALABAMA
OCTOBER TERM, 1943-43

To the Legislature of Alabama
State Capitol
Montgomery, Alabama.

Gentlemen:

We make reply to the following questions propounded under the statute by the Legislature to this court:

"One: Does passage of a bill to amend a section of Title 62 of the Code of Alabama of 1940 applicable to but one or more designated counties or municipalities violate the requirements of Section 106 of the Constitution of

Alabama, where the bill is introduced and passed without notice and proof as required?

"Two: Does passage of a bill to amend a section of the Code applicable to but one Judicial Circuit which is designated by number in the Code Section (the amendment not being with reference to fixing the time for holding Court) violate the requirements of Section 106 of the Constitution of Alabama where the bill is introduced and passed without notice and proof?"

Whatever may have been the original status of many of the laws now Title 62 of the Code, whether local laws or general laws with local application, we are of the opinion the adoption of the Code by the legislature, designating all of the original acts as local laws, constitutes these laws as found in Title 62 local laws and subject to the requirements of the constitution as to subsequent amendment.

This court has held that several of the constitutional requirements touching the enactment of a law do not obtain as to the codification of public statutes under the Constitution, Art. 5, ¶ 85.—Gibson v. State, 214 Ala. 38, 43, 106 So. 231; Ex parte Thomas, 113 Ala. 1, 21 So. 369. That is, the incorporation of acts into the code and the adoption thereof by the legislature cures all defects in the same that may have intervened in original enactment.—Bluthenthal & Bickert v. Trager & Co., et al., 131 Ala. 639, 31 So. 622; State ex rel. Sossaman v. Stone, 235 Ala. 233, 178 So. 18; State v. Stone, 236 Ala. 82, 181 So. 281; Dillon v. Hamilton, Tax Collector, 230 Ala. 310, 313, 106 So. 708; State et rel. Hyland v. Baumhauer, 12 So. 2d 340; Brandon v. State, 233 Ala. 1, 4, 173 So. 238.

Thees local laws appearing in Title 62 of the Code may be amended by the Legislature as any other local law and the provisions of the Constitution as to notice and proof must be observed.—State ex rel. Farmer v. Haas, 240 Ala. 30, 32, 196 So. 873.

It would result from the foregoing that the answer to question One is in the affirmative, the amendment having relation to local law.

In response to your second inquiry we wish to say that there have been decisions of this court holding that under certain circumstances an act of the legislature pertaining to a judicial circuit of the state is a general law.—State ex rel. Montgomery v. Merrill, 218 Ala. 149, 117 So. 473.

We have also held that acts creating a judicial circuit in this state are local and are subject to the requirements of Section 106 of the Constitution.—State ex rel. Attorney General v. Sayre, 142 Ala. 641, 39 So. 240, 4 Ann. Cas. 656; Walker v. State, 142 Ala. 7, 39 So. 242.

We are not, therefore, in position to give you an answer to your second inquiry for the reason that the proposed bill is not so specified as that we are able to tell under our decisions whether it would be a local law or a general law.

Dated this June 1st, 1943.

LUCIEN D. GARDNER,
Chief Justice.
WILLIAM H. THOMAS,
Associate Justice.
VIRGIL BOULDIN,
Associate Justice.
JOEL B. BROWN,
Associate Justice.
ARTHUR B. FOSTER,
Associate Justice.
J. ED. LIVINGTON,
Associate Justice.
THOMAS S. LAWSON,
Associate Justice.

OPINION RENDERED

The foregoing opinion, rendered under the provision of H. J. R. 10, was read and ordered spread upon the Journal.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the thirtieth day and finds same correct and containing all original entries and references thereto required by the Constitution.

Jim Smith, Jr.,
Chairman.

COMMITTEE REPORT

On motion of Mr. Smith, the foregoing report was concurred in and the Journal of the Senate for the thirtieth day approved by the Senate.

ADJOURNMENT

At 12:40 P. M., on motion of Mr. Shaver, the Senate adjourned until tomorrow, Thursday, June 3, 1943, at ten o'clock A. M.

THIRTY-FIRST DAY

Thursday, June 3, 1943.

The Senate met pursuant to adjournment, Lieutenant-Governor Ellis, presiding.

PRAYER

The session was opened with prayer by Captain U. K. Perego, Chaplain, Maxwell Field, Montgomery.

ROLL CALL

Present:

Messrs.:	Dodson	Jones	St. John (Cullman)
Benson	Espy	Kelly	St. John (Lawrence)
Bentley	Garrett	Kilborn	Shaver
Black	Goodwin	Lawson	Sherrer
Bradford	Henderson	Madison	Simpson
Carlton	High	McCary	Smith
Cater	Hill	Newton	Taylor
Cobb	Hornsby	Pinson	Walton

—31

JOURNAL

On motion of Mr. Carlton the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Bendtley indefinite leave of absence was granted Mr. Toomer.

REPORT OF COMMITTEE ON ENGROSSED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills leave to report that said committee, in session, has compared the following enrolled bills with the original and engrossed bills, respectively, and finds same correctly Enrolled, to-wit:

S. 18. To provide for a public corporation for the purposes of constructing or causing to be constructed public roads and bridges in this State and related purposes; to describe its powers and duties, and to provide for the raising of necessary funds for such purposes, and to provide for the payment of the cost of construction of such roads and bridges, and to authorize such corporation to

borrow money and match Federal funds for public roads, bridges and highways constructed and to issue bonds, warrants, assignments, transfers, or securities, and to aid in the several counties of the State in negotiating or otherwise financing interest bearing warrants of such counties, secured by pledge of the proceeds of gasoline tax approximations to the counties by the State, and to contract with counties, the State Highway Department of Alabama, or other agencies performing any of the functions thereof by whatever name it may be known, the Federal Emergency Administration of Public Works, and any other branch or agency of the Federal Government or other authorities, and persons, firms, or corporations; and to repeal Article 3, Chapter 2, Title 23 of the Code of Alabama 1940, Sections 112 to 124, inclusive.

S. 163. To fix the term of office of Tax Assessors and to provide for their election.

S. 164. To fix the term of office of Tax Collectors, and to provide for their election.

Sam High,
Chairman,

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 79. To regulate the practice in equity cases in the matter of objection to and consideration of testimony and evidence.

Also:

H. 94. To authorize the Sheriff of Mobile County, Alabama, to select and appoint an attorney to advise and counsel him on the operation of such office and to handle all legal matters pertaining to said office; to provide for the manner of the appointment of such attorney, the term of office of such attorney; to provide for

the salary of such attorney and the method of payment of such salary.

Also:

H. 105. To amend Section 3 of an act entitled: An Act "To place the Sheriff of Mobile County, Alabama, on a salary basis, and to provide the salary to be paid to such officer; to provide the date on which said officer shall be placed on a salary basis; to provide for the manner of payment of said salary of such officer out of the County Treasury of Mobile County, Alabama; to provide deputies, clerks, guards and other assistants for such officer and to provide the salaries and manner of payment of such salaries for such deputies, clerks, guards and other assistants; to provide for payment into the Treasury of Mobile County, Alabama, of all fees, fines and forfeitures collected by said officer; and to provide for the necessary equipment and supplies for said officer."

Also:

H. 125. To provide for the presentation and payment of all outstanding checks or warrants drawn against the Alabama Relief Administration or any account available for its use and the appropriation to the State Department of Public Welfare for public welfare purposes of such funds as are not claimed within six months from the passage of this Act.

Also:

H. 128. To make an appropriation for the support and maintenance of the Southern Industrial Institute.

Also:

H. 150. To fix the salary of the Register of the Circuit Court of the Tenth Judicial Circuit of Alabama, (Jefferson County) and to regulate the payment of the same.

Also:

H. 167. To amend Title 5, Section 220, Code of 1940, to provide qualifications of Directors and Officers of Savings & Loan Associations.

Also:

H. 414. To regulate the fine and forfeiture fund of Blount County, and provide for the registration and payment of claims against said fund.

Also:

H. 415. To prescribe the salary and the manner of payment of the same, of the Chief Deputy Sheriff for Blount County, Alabama.

Also:

H. 416. To prescribe the salary and the manner of payment of the same, of the Jailer of Blount County, Alabama.

Also:

H. 417. To allow the Sheriff of Blount County, Alabama an additional Deputy Sheriff to that now provided by law; to fix the salary of said Deputy and to make the same payable out of the general funds of Blount County in monthly installments.

R. T. Goodwyn, Jr.,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Benson:

S. 313. To allow the Sheriff of Jackson County, Alabama, an additional deputy sheriff to that now provided by law; to fix the salary of said deputy and to make the same payable out of the General Funds of Jackson County in Monthly installments.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL LAW

State of Alabama,
Jackson County.

Notice is hereby given that at the session of the Legislature of Alabama, which convened on, to-wit. January 18, 1943, a bill substantially as follows will be introduced and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To allow the Sheriff of Jackson County, Alabama, an additional deputy sheriff to that now provided by law; to fix the salary of said deputy and to make the same payable out of the General Funds of Jackson County in monthly installments.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Thta the Sheriff of Jackson County is hereby allowed an additional deputy to the deputies now provided by law, which said deputy shall received a salary of Fifteen Hundred Dollars ($1500.00) per annum, to be paid in twelve equal monthly installments out of the General Funds of said County; that the Sheriff of Jackson County shall appoint said deputy sheriff and said deputy sheriff shall hold office at the pleasure of said Sheriff of Jackson County; that said deputy sheriff shall be eligible to perform the duties of deputy sheriff anywhere in said County of Jackson.

Section 2. That the salary of deputy sheriff shall be paid in the same manner and at the same time as salaries of other regular monthly paid employees of said county are paid. That said salary of said deputy sheriff shall be paid by warrant drawn on the General Fund of said County.

Section 3. That all laws and parts of laws in conflict with this Act are hereby expressly repealed, and this act shall be in full force and affect from the date of its approval by the Governor. 5-11-S.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
JACKSON COUNTY.

Before me, Roy D. Gist, Clerk of the Circuit Court of Jackson County, Alabama, personally appeared P. W. Campbell, who is known to me to be the publisher of THE JACKSON COUNTY SENTINEL, a newspaper published every Tuesday at Scottsboro, Alabama, who states under oath that the attached notice of proposed legislation pertaining to the Sheriff's office of Jackson County, Alabama, was published in said newspaper four consecutive weeks, to-wit: May 11, May 18, May 25, June 1, 1943.

P. W. CAMPBELL,
Publisher The Sentinel.

Sworn to and subscribed before me this May 31, 1943.

ROY D. GIST,
(Seal) Clerk Circuit Court, Jackson County, Alabama.

By Mr. Simpson:

S. 314. To amend Section 198 of Title 17 of the Alabama Code of 1940.

Committee on Privileges and Elections.

By Mr. Simpson:

S. 315. To amend Section 325, Title 15, Code of Alabama of 1940.

Committee on Judiciary.

By Mr. Taylor:

S. 316. To amend Section 6 of Title 27, of the Code of Alabama 1940.

Committee on Judiciary.

By Mr. Simpson:

S. 317. Relating to schools to prohibit the establishment, organization or perpetuation of fraternities, sororities or other secret organizations whose membership consists in whole or in part of pupils enrolled in elementary and high schools of Alabama; to authorize county and city boards of education to prescribe any necessary regulations and to enforce the provisions of this Act; and to repeal all laws in conflict with this Act.

Committee on Education.

By Mr. Lawson:

S. 318. To appropriate five thousand dollars out of the General Fund to the Attorney General in his capacity as Securities Commissioner of Alabama.

Committee on Finance and Taxation.

By Mr. Cater:

S. 319. To designate the time in each year when the Board of Registrars shall sit for the purpose of registering voters in all Counties having a population of not less than 100,000 nor more than 140,000 population according to the last or any succeeding Federal census; to provide that said sessions shall be in lieu of all other sessions now authorized by law and to repeal all laws or parts of laws in conflict herewith.

Committee on Privileges and Elections.

REPORTS OF COMMITTEES

Mr. Simpson, Chairman of the Standing Committee on Finance and Taxation reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Jones:

S. 38. To amend Section 9 of Title 22 of the 1940 Code of Alabama relating to the State Health Officer; election; duties and powers.

By Mr. Hill:

S. 144. To fix the salaries of the Appellate Court Judges of the State of Alabama by restoring them to that level of compensation received by the Judges thereof on December 1st, 1927, and to provide for the payment thereof.

By Mr. Kelly:

S. 285. To appropriate $20,000 for the purchase of certain real estate to be donated by the State of Alabama to the United States for a National Cemetery and Memorial; and to authorize, empower and direct the purchase and conveyance thereof.

By Messrs. Norman (Bullock) and Hodo:

H. 328. To make an appropriation to the University of Alabama for the encouragement, development, and maintenance of research work, and for the further development and support of the University's extension program.

By Mr. Garrett:

S. 257. To make an appropriation from the General Fund of the State treasury for matching Federal funds for the purpose of indemnifying owners of cattle which have been condemned or slaughtered, after having reacted to the test for tuberculosis, paratuberculosis, or Bangs Disease.

By Mr. Garrett:

S. 256. To amend Section 545, Title 2, Code 1940.

By Mr. Hill (with substitute):

S. 231. To authorize the employment by the Director of Public Safety of civilian guards for the highways, bridges and other public buildings and property belonging to the State; to define their powers and duties; to exempt said persons so employed from the provisions of the Merit System and to appropriate sufficient funds for the salaries of such civilian guards.

By Mr. Kelly:

S. 228. To amend Section 15, Title 55, Code 1940.

By Mr. Jones (with substitute):

S. 36. To amend Section 199 of Title 22 of the 1940 Code of Alabama relating to the care of patients with Tuberculosis; and to make appropriation for the care and treatment of such patients.

By Mr. Bennett (Barbour):

H. 242. To create and establish a Division of Records and Reports in the office of the Governor; to prescribe its functions, duties, and powers; to provide for annual reports by certain State agencies and for the manner of issuance and distribution thereof; and to make an appropriation for the maintenance and support of the Division of Records and Reports.

By Mr. Snyder (with amendment):

H. 173. To amend Section 912 of Title 51, Chapter 22 of the Code of Alabama of 1940.

By Mr. Simpson:

S. 189. To amend Section 28 of the Alabama Motor Carrier Act of 1939.

By Mr. Pinson:

S. 204. To amend Section 268, Title 55, 1940 Code of Alabama.

By Mr. Sullivan:

H. 87. To provide against want and destitution caused by unemployment resulting from economic emergency in the State of Alabama, through the encouragement of the construction of public works projects by political subdivisions of the State; to provide for the creation and incorporation of the Alabama Emergency Finance Corporation and to define its powers and duties; to authorize the purchase, resale, or exchange by said corporation of public improvement assessment bonds or revenue bonds issued by any body politic of the State of Alabama; to encourage or promote the construction or reconstruction of any public works project by said Alabama Emergency Finance Corporation; to appropriate one million dollars to the Alabama Emergency Finance Corporation to be used for said purposes, and to appropriate twenty-five thousand dollars to pay the costs and expenses of said corporation.

By Mr. Eddins:

H. 496. To amend Section 86, of Title 55, of the 1940 Code of Alabama.

By Mr. Eddins:

H. 495. To amend Section 154, of Title 41, of the 1940 Code of Alabama.

By Mr. Shaver (with substitute):

S. 266. To provide funds for salaries and expenses of the employees of the State Board of Adjustment.

Mr. Simpson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with out recommendation and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Newton:

S. 234. To set up in the State Treasury a Surplus Income Tax Fund and to provide for its distribution.

By Mr. Newton:

S. 233. To exempt Homesteads from County Ad Valorem Taxation.

Mr. Cobb, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Kilborn:

S. 309. To provide for the Government of all cities in the State of Alabama which now have or which may in the future have a population of not less than seventy-eight thousand and five hundred inhabitants and not more than two hundred and fifty thousand inhabitants according to the last or any subsequent Federal Census.

By Mr. Kilborn:

S. 308. To alter and rearrange the boundaries of the City of Mobile, Alabama, to describe the boundaries thereof, to merge the City of Prichard and the City of Mobile, as presently existing and certain other territories into the City of Mobile, to withdraw certain territory now within the boundaries of the City of Mobile from the same, to provide for the continuation of the government of the City of Mobile by the Board of Commissioners of the City of Mobile, to provide for the transfer of certain officers and employees of the City of Prichard to the employ of the City of Mobile, to provide the status of such officers and employees, to provide for the assumption of the obligations of the City of Prichard by the City of Mobile, and the manner of payment of the same, to provide for the transfer of all properties, assets and claims of the City of Prichard to the City of Mobile, to provide for the repeal of all laws in conflict herewith and to provide an effective date for this act.

By Mr. Newton:
S. 312. To amend Section 3, Title 54, Code of 1940.

By Mr. Segrest (with notice and proof):
H. 221. To amend Section 4 as amended by a Local Act of the Legislature of Alabama, approved September 12, 1939, of a Local Act entitled "An Act to establish an Inferior Court in Macon County, Alabama, to be known as the Inferior Court of Macon County, to abolish the County Court of Macon County, Alabama, and to confer upon said Inferior Court of Macon County the criminal and civil jurisdiction concurrent with that of the Justices of Peace in the County of Macon, Alabama, and all jurisdiction of the County Court of Macon County, Alabama; and to provide for a Clerk of said Court and prescribe his fees, and define his duties and compensation; to establish methods of procedure and fix the Court costs in said Court; to define the jurisdiction of said Court and to provide for a Judge of said Court and provide and fix the method of his selection or election, and qualification and term or terms of office, define his power and duties, and fix the salary of such Judge; and to provide for a Solicitor for said Court and provide and fix the method of his selection or election, and qualification and term or terms of office, prescribe his duties and fix the salary of such solicitor; to provide the method whereby the Judge thereof may recuse himself. To provide for certificates of judgment of said Court and the recordination thereof; to provide the method of issuing warrants returnable to said Court, and to define and provide for the proceedings of said Court, and to provide for the transfer and trial of causes pending in the County Court of Macon County, at the time that this act takes effect, to the Inferior Court of Macon County, approved June 26, 1935."

Mr. Bentley, Chairman of the Standing Committee on Privileges and Elections, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Madison:
S. 248. To amend Section 394 of Title 17 of the 1940 Code of Alabama.

By Mr. Walker:
H. 132. To amend Section 5, Title 17, Code 1940.

Mr. Hill, Vice-Chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bill and ordered same returned to the

Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. High:

S. 274. To provide that any person involved in an accident resulting in injury or death to any person shall stop and render such aid to such injured person as may be necessary; to provide for the reporting of accidents by drivers of any motor vehicle upon the highways of this state, and to provide that the failure to stop after an accident or to report such accident shall be a misdemeanor and to fix the punishment therefor.

Mr. Taylor, Chairman of the Standing Committee on Fish and Game, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Espy:

S. 141. To repeal Section 70 of Title 8 of the Code of Alabama of 1940.

By Mr. St. John (Lawrence):

S. 124. To provide for the disposition and use of all revenue or money derived from the levying or imposition upon any person, firm or corporation of any tax, license, permit, certificate, stamp, tag, shipping tag, fee or any other charge by whatever name called, pursuant to the game, fish and seafoods laws of this State and the rules and regulations based thereon; to provide for the disposition and use of all revenue or money derived from the administration and enforcement of the game, fish and seafoods laws, and rules and regulations based thereon, and from the sea foods industry; to provide for the disposition and use of all revenue or money derived from the sale, lease, exchange or other disposition of any sand, gravel, oyster shells, oyster bottoms, oyster reefs or other matrials or substances taken from any of the water of Alabama or taken from any of the waters within the territorial jurisdiction of Alabama; to provide for the disposition and use of all money paid, received or arising from fines, penalties and forfeitures under the game, fish and seafoods laws of this State and the rules and regulations based thereon; to provide for the payment of salaries and wages and other expenses incident to the operation of the Department of Conservation; to provide for the disposition of any unexpended balance in the Conservation fund at the end of any fiscal year and to repeal any and all laws or parts of laws in conflict with the provisions of this Act.

By Mr. Kilborn:

S. 122. To amend Section 126 of Title 8 of the Code of Alabama of 1940.

By Mr. Kilborn:

S. 120. To permit commercial fishermen who are residents of other states to fish in the public waters of Alabama whenever the respective laws of said states permit residents of Alabama to fish commercially in the public waters of said states.

By Mr. Kilborn:

S. 119. To amend Sections 143 & 148 of Title 8 of the Code of Alabama of 1940.

By Mr. Kilborn:

S. 118. To amend Section 106 of Title 8 of the Code of Alabama of 1940.

By Mr. Kilborn:

S. 298. To repeal Section 74 of Title 8 of the Code of Alabama of 1940.

By Mr. Kilborn (with substitute):

S. 117. To make it unlawful to use or have in possession, for the purpose of taking salt water fish or seafoods or minnows or other baits, seines, trawls or other fishing devices of a size or with mesh of a size contrary to the rules and regulations of the Department of Conservation of the State of Alabama; to make it unlawful to use or have in possession any seine or net or other device for the taking of salt water fish or other seafoods with a lead line of a length of more than 500 fathoms; to make possession of any illegal fishing tackle prima facie evidence that it is kept for purpose of an unlawful use and to provide for the confiscation and disposal of the same; to regulate commercial fishing vessels used in salt water fishing and to require licenses and fees for the operation of the same; to regulate fishing operations and to require licenses and certain fees for various methods or ways of fishing or taking fish from the public salt waters of the State and to provide for the disposition of the proceeds from the sale of said licenses and fees and to require reports to be made by various dealers in salt water fish and to provide for the inspection of places where oysters, salt water fish or other seafoods are dumped, kept or stored; to provide that a violation of any of the provisions of this Act or rules and regulations based thereunder shall constitute a misdemeanor and for penalties or fines for violations of this Act;

to repeal all laws or parts of laws, general, special or local, in conflict with the provisions of thisAct.

By Mr. Kilborn (with substitute):

S. 121. To amend Section 73 of Title 8 of the Code of Alabama of 1940.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill and ordered the same sent forthwith to the Senate without engrossment:

By Mr. Snyder:

H. 450. To fix the compensation or salary of the Treasurer of Jefferson County, Alabama, and to regulate the payment thereof.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that the following bill will be introduced at the 1943 session of the Legislature of Alabama:

AN ACT

To fix the compensation or salary of the Treasurer of Jefferson County, Alabama, and to regulate the payment thereof.

Be it enacted by the Legislature of Alabama:

Section 1. That the Treasurer of Jefferson County, Alabama, shall receive a salary of Four Thousand, Eight Hundred Dollars ($4,800.00) per annum, which said salary shall be paid out of the county treasury in equal monthly installments, and shall be in lieu of all other compensation, fees or emoluments.

Section 2. That all laws and parts of laws, general, local or special, in conflict with this act be and the same are hereby repealed.

Section 3. That this act shall go into effect upon its approval.

The Call—Apr. 24; May 1-8-15, 1943.

STATE OF ALABAMA,
Jefferson County.

Personally appeared before me, the undersigned authority, Geo. M. Howle, who first being duly sworn by me, deposes and says on oath that he is the Editor for The Weekly Call, a weekly newspaper published in said State and County, and that the notice, a true copy of which is hereto attached, was published in The Weekly Call, once a week for four consecutive weeks, commencing on the 24 day of April, 1943.

GEO. M. HOWLE.

Subscribed and sworn to before me on this the 15 day of May, 1943.

MOLLIE DAFFIN,
Notary Public.

(Seal)

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee as follows:

H. 450. To the Committee on Local Legislation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill:

By Mr. Henderson:

S. 105. To Amend Section 89, Article 2, Title 36 of the 1940 Code of Alabama.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

Mr. St. John (Cullman) moved that the Senate non-concur in the following House amendment to the bill, S. 105, the title of which is set out in the foregoing Message from the House, and requests Committee on Conference, to-wit:

Amend Senate Bill 105 by striking therefrom Section 2 of said bill and inserting in lieu thereof the following:

"Section 2. The provisions of this Act shall become effective upon its approval by the Governor."

Mr. Henderson moved to lay the motion of Mr. St. John (Cullman) on the table, which motion was lost.

Yeas, 12; Nays, 18.

Yeas:

Messrs.:	Carlton	Garrett	Jones	
Benson	Dodson	Henderson	Newton	
Black	Espy	High	Simpson	
Bradford				—12

Nays:

Messrs.:	Hill	Newton	Shaver	
Bentley	Hornsby	Pinson	Smith	
Cater	Kelly	St. John (Cullman)	Taylor	
Cobb	Lawson	St. John (Lawrence)	Walton	
Goodwin	Madison			—18

The question then recurred on the motion of Mr. St. John (Cullman) to non-concur in the House amendment to the bill, S. 105, and request Committee on Conference, which motion prevailed.

Yeas, 15; Nays, 14.

Yeas:

Messrs.:	Hill	Lawson	Shaver
Bentley	Hornsby	Madison	Smith
Cater	Kelly	Pinson	Taylor
Goodwin	Kilborn	St. John (Cullman)	Walton

—15

Nays:

Messrs.:	Carlton	Garrett	McCary
Benson	Cobb	Henderson	St. John (Lawrence)
Black	Dodson	High	Simpson
Bradford	Espy	Jones	

—14

And the President of the Senate appointed Messrs. Henderson, St. John (Cullman) and Carlton as Committee on part of the Senate.

RESOLUTIONS

Mr. Henderson offered the following Senate joint resolution, to-wit:

S. J. R. 41. RESOLVED BY THE SENATE, the House concurring, that a Conference Committee on Senate Bill 105 be appointed to be composed of three members from the Senate, to be appointed by the Presiding Officer of the Senate, and three members from the House, to be appointed by the Speaker of the House.

And on motion of Mr. Henderson, the rules were suspended and the resolution adopted by the Senate.

And the President of the Senate appointed Messrs. Henderson, St. John (Cullman) and Carlton as Committee on Part of the Senate.

Mr. Pinson offered the following Senate joint resolution, to-wit:

S.J.R. 42. WHEREAS, There is now pending before the Senate of the United States a bill to abolish the poll tax, and

WHEREAS, since the formation of this Republic the qualifications of voters have been matters of state and not of federal control, and the maintenance of this state control is absolutely essential if any measure of local self government is to be retained, and

WHEREAS, it is well understood in Alabama that this move to secure federal control of elections is part of the attack continually being made on local self government in the South, and is purely political in origin and intent, and

WHEREAS, it is clearly realized also that once the federal government secures control over the qualifications of voters it will then proceed completely to dominate elections not only in Alabama, but in all other states as well and use this power to destroy our federal-state relationship, our remaining system of checks and balances, against arbitrary federal authority and fundamental democracy itself, and

WHEREAS, in these times of desperate national danger from a powerful foreign foe it is essential that there be no changes of our form of government, no promotion of crack-pot reforms, and the individual or group which insists on such change, with its consequent loss of national unity, is of positive help to our enemies.

WHEREAS, the states of the South which are under attack in this bill have for many years been loyal in their allegiance to the Democratic party and our people feel that they have every right and reason to expect this National Democratic Administration and the Democratic members of the Congress to assist in striking down this attack on them and their institutions, and

WHEREAS, throughout the years since Reconstruction there has been an amicable and friendly relationship between the two races in the South, and the continuous agitation from outside sources is creating bitterness and hostility, greatly to the detriment of our people, both white and black, creating racial disturbances much to be regretted at any time, but particularly so in time of war, and is preventing the orderly solution of our problems in a manner assuring lasting justice to both races,

NOW, THEREFORE, it is resolved by the Senate, the House of Representative of Alabama concurring:

1. That we urge our Senators to fight this bill with all the power at their command until its final defeat.

2. That we deeply deplore the bringing up of this issue, with its consequent dangerous effect on the political structure of the South, and its serious disturbance of national unity in this time of national peril.

3. That we caution the people of this nation, Democrats and Republicans alike, that through the means of this bill there is being made an attack on state control of elections, with the deliberate purpose of destroying this local control and delivering our people over to the power of the federal government without the time-honored restraints found necessary throughout the existence of this Republic.

4. That we remind our fellow democrats in the Congress and the National Democratic Administration, of the loyalty of our people in the past to the principles of the party, and urge that no attacks be permitted to succeed against us which would shake and destroy this loyalty.

5. That we urge the Governor of Alabama to use his influence in the fight against this bill, and, on behalf of our southern people, to work with the other southern governors in arousing our people to the danger presented to them and in assisting in any way the southern senators in this fight to preserve democracy and local self-government.

BE IT FURTHER RESOLVED, that copies of this resolution shall be forwarded to the President of the United States, to the members of the Congress from Alabama, to the Governor of Alabama, and the other southern governors and to the press.

Which was read and referred to the Standing Committee on Rules.

MOTION TO RECONSIDER WITHDRAWN

Mr. Kilborn withdrew the motion made on yesterday to reconsider the vote by which the bill:

S. 37. To amend Section 118 of Title 22 of the 1940 Code of Alabama, relating to public health.

Passed in the Senate on yesterday, which said motion to reconsider was carried over until today.

OPINION OF SUPREME COURT
THE STATE OF ALABAMA—JUDICIAL DEPARTMENT
THE SUPREME COURT OF ALABAMA
OCTOBER TERM, 1942-43

To the Senate of Alabama
State Capitol
Montgomery, Alabama
Gentlemen:

Responding to your inquiry of May 26th, relative to the establishment of a War Emergency Council, under the provisions of House Bill No. 66, we submit the following:

We duly appreciate the constitutional requirement that all legislation is vested in the Legislature by sections 43 and 44 of the Constitution, and that this power cannot be delegated; also that no money shall be paid out of the State treasury except by an appropriation made by a law enacted by the Legislature,—S 72, Constitution; and this power cannot be delegated.

But it is consistent with both those requirements that the Legislature can appropriate an ascertainable sum of money to be paid under the direction of a State agency, for such public benefits as may be directed by such agency, in conformity to standards or definitions of legislative policy adopted and declared by the Legislature.—Hawkins v. State Board of Adjustment, 242 Ala. 547, 7 So. 2d 775; State v. Inman, 239 Ala. 348, 195 So. 448; Dunn Con-

struction Co. v. State Board, 234 Ala. 372, 175 So. 383; Calhoun County v. Brandon, 237 Ala. 537, 187 So. 868; Ballenger Construction Co. v. State Board of Adjustment, 234 Ala. 377, 175 So. 387; Turner v. Lumbermen Mutual Ins. Co., 235 Ala. 632, 180 So. 300; Opp Cotton Mills v. Administrator of Wage and Hour Div. of Dept. of Labor, 61 S. Ct. 524, 85 L. Ed. 624.

It is also observed that the Legislature shall set up standards for the guidance of the administrative agency and the procedure which shall be followed, including a record of the acts of the agency pursuant to such authority showing conformity to the standards which have been thus set up.—Opp Cotton Mills v. Administrator of Wage and Hour Div. of Dept. of Labor, supra.

It could scarcely be contended that the finding of the council and the exercise of its powers under this act in respect to the conditions under which they are authorized to act would not be reviewable by the courts in the event that the delegated discretion should be abused.—Commonwealth v. Johnson, 292 Ky. 288, 166 S. W. 2d 409.

We wish also to cite the following additional authorities which were very helpful in the consideration of this case.—State Highway Board v. Gates. Auditor of Accounts, 110 Vt. 67, 1 Atl. 2d 825; Prideau v. Frohmiller, State Auditor, 56 P. 2d 628; In re Opinion of the Justices, 19 N. E. 2d 807.

It is our view, and we express the opinion to you, that the bill in question (House Bill No. 66, supra) does propose to make an appropriation by law to be enacted by the Legislature, of an ascertainable sum to be paid under the direction of a State agency for public benefits in conformity to standards or definitions adopted and declared in the bill which when enacted will be a declared legislative policy; that those standards as so declared conform to constitutional requirements, and, therefore, that the bill when duly enacted, as required by the Constitution, shall not violate section 43 (44) or 72 of the Constitution of Alabama.

In respect to Sections 42, 59 and 280 of the Constitution, we wish to make the following observations.

When the members of the Legislature are selected to serve under the proposed act, they do so as members of a board, not as members of the Legislature, nor as individuals. They are not ex officio members because they are also chairmen of certain legislative committees.

The legislator, who may be appointed on the board, is performing administrative acts wholly apart from that which he renders as a legislator. And the Legislature may validly select from their membership executive and administrative officers without violating Section 42 or 43 of the Constitution.—Fox v. McDonald, 101 Ala. 51, 13 So. 416, 21 L. R. A. 529, 46 Am. St. Rep. 98. There is no reason why we cannot be appointed on the board unless it is found in Section 59 of 280 of the Constitution. Section 59 of it prohibits a legislator "during the term for which he shall have been elected, (to) be appointed to any office of profit under this state, which shall have been created, or the emoluments of which shall have been increased during such term, except such offices as may be elected by the people."

The inquiry hinges on what is an office of profit under this state. The Court of Appeals of New York in People v. Tremaine, 242 N. Y. 27, 168 N. E. 817, have discussed the question under somewhat similar circumstances. Two members as chairmen of Legislative standing committees, were made ex officio members. This was said to confer administrative powers on two of its members, holding that it cannot engraft executive duties upon a legislative officer without giving them civil appointment to administrative offices. The Constitution prohibited a member from receiving "any civil appointment within this state * * * during the term for which he shall have been elected." This was held to mean "any placing in office or public trust, pertaining to the exercise of the powers and authority of the civil government of the state." It will be noted that means any "civil appointment." Ours is "any office of

profit under this state." Each state can adopt its own policy, manifested by the language used. The Alabama policy manfiseted in the Constitution of 1875 was interpreted in Montgomery v. State, 107 Ala. 372, 18 So. 157, prior to the Constitutional Convention of 1901. In it, the term "civil office of profit" was under consideration. We are not here concerned with the omission of "civil," but with the meeting of an office of profit. In that case, the connotation of an "office" was emphasized. The term certainly means a public office. We have in several cases pointed out the distinction under our system between a public office and a public employment.—Jefferson County v. Case, 12 So. 2nd 343; State ex rel. Hyland v. Baumhauer; State ex rel. Mantell v. Same, 12 So. 2d 326.

In those cases we gave careful consideration to the meaning of an "office" in this state for the purpose then in hand. It is in broad terms that he must be inveted wth a portion of the sovereign power of the state. It is the same here. Under the definitions there given, we think that the members of the Legislature who may be elected members of the council under authority of the proposed bill No. 66, supra, will be thereby "appointed to an office of profit under this state" as set out in Section 59, Constitution of 1901, noting that the act carries compensation for the service rendered. However, we wish to say that the result above announced would be different if no compensation were provided for members of the Legislature who were appointed to membership on the council, and that provision for their actual expenses alone would not be treated as such compensation.

For like reason the proposed bill, as now set up, will violate Section 280 of the Constitution because it carries with it compensation.

Respectfully submitted,

LUCIEN D. GARDNER,
Chief Justice.
WILLIAM H. THOMAS,
Associate Justice.
VIRGIL BOULDIN,
Associate Justice.
ARTHUR B. FOSTER,
Associate Justice.
J. ED. LIVINGSTON,
Associated Justice.
THOMAS S. LAWSON,
Associate Justice.

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT
THE SUPREME COURT OF ALABAMA
OCTOBER TERM, 1942 43

To the Senate of Alabama
CAPITOL
Montgomery, Alabama.
Gentlemen:

I am of opinion that Section 72 of the Constitution, when interpreted in the light of its history and the evils it was intended to remedy, as stated by Justice Brickell in Smith v. Speed, 50 Ala. 276, requires an appropriation for a specific purpose.—State ex rel. Turner v. Henderson, Governor, 199 Ala. 245, 74 So. 344, L. R. A. 1917F, 770.

I am further of opinion that the effect of the enactment of the proposed bill into law, assuming that this may be done, is an abdication by the Legisla-

ture of its power over any surplus in the state treasury after meeting other appropriations, and a delegation of their power to the proposed board.

I concur in the thought expressed by the other Justices that said bill, if enacted, would violate Section 59 of the Constitution.

Respectfully submitted,

JOEL B. BROWN,
Associate Justice Supreme Court of Alabama.

OPINION RENDERED

The foregoing opinion relative to H. 66, was read and ordered spread upon the Journal.

CONSIDERATION OF SPECIAL ORDERS

The bill:

S. 42. To provide for the registration of foundlings and a foundling report.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:	Dodson	Jones	Sherrer	
Bentley	Espy	Kelly	Simpson	
Bradford	Goodwin	Kilborn	Smith	
Carlton	Henderson	Madison	Taylor	
Cater	High	St. John (Lawrence)	Walton	
Cobb	Hornsby	Shaver		—22
Nays:				—0

The bill:

S. 44. To prohibit the indisicriminate disclosure of certain records filed with the state registrar of vital statistic and local custodians of birth and death certificates.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 15; Nays, 11.

Yeas:

Messrs.:	Dodson	Hornsby	Lawson	
Benson	Espy	Jones	St. John (Lawrence)	
Bradford	Garrett	Kelly	Simpson	
Carlton	Goodwin	Kilborn	Walton	
				—15

Nays:

Messrs.:	Cobb	McCary	Sherrer
Bentley	Hill	Pinson	Smith
Cater	Madison	Shaver	Taylor

—11

Mr. Kilborn moved that the Senate reconsider the vote by which it just passed the bill, S. 44, and then moved to carry said motion to reconsider over to the next day, which motion prevailed.

The bill:

H. 113. To provide for court procedure to establish the facts of birth; to prescribe the method of giving notice of such court proceedings and to confer jurisdiction of such matter on the probate courts, circuit courts, or courts of like jurisdiction; to fix the amount of court costs to be charged and to provide for the filing and recording of a certified copy of the decree of said court in the office of the judge of probate of said county; and also in the office of the Registrar of Vital Statistics of Alabama; and to provide for the issuance of delayed certificates of birth based on said decree of court in the method provided by Title 22, Section 42, Code of 1940.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Garrett	Kelly	St. John (Cullman)
Bentley	Goodwin	Kilborn	St. John (Lawrence)
Cater	High	Lawson	Simpson
Cobb	Hill	Madison	Smith
Dodson	Hornsby	McCary	Taylor
Espy	Jones	Pinson	Walton

—23

Nays: —0

The bill:

H. 320. To appropriate $40,000.00 from the General Fund to the Public Library Service Division in the State Department of Archives and History.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:	Cater	Garrett	Hill
Benson	Cobb	Goodwin	Hornsby
Bentley	Dodson	Henderson	Kelly
Carlton	Espy	High	Kilborn

Lawson	Pinson	Shaver	Taylor	
Madison	St. John (Cullman)	Simpson	Walton	
McCary	St. John (Lawrence)	Smith		—26
Nays:				—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate joint resolution:

By Mr. Walton:

S. J. R. 37. Relative to invitation to Honorable Homer Challioux and the membership of Boys' State to meet with the Legislature on June 10, 1943.

And the Speaker named as the Committee on part of the House Messrs. Stell and Hodges.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has adopted the following Senate joint resolution:

By Mr. Madison:

S. J. R. 19. Relative to THE DECLARATION OF THE FEDERATION OF THE WORLD.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

On motion of Mr. Carlton, the Senate concurred in the following House amendment to the resolution, S. J. R. 19, the title of which is set out in the foregoing Message from the House, to-wit:

Amend Senate Joint Resolution No. 19 by striking therefrom Section 1, and inserting in lieu thereof the following:

"Section 1. That the Legislature of Alabama does hereby solemnly declare that all peoples of the earth should now be united in a World Federation and requests the Senators and mem-

bers of the House of Representatives in Congress from the State of Alabama to support and vote for a Resolution in the Congress of the United States approving the principle of World Federation".

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following:

By Mr. Segrest:

H.J.R. 41. WHEREAS, the State of Alabama has deemed it to the best interest of public health to enact legislation to regulate the practice of Pharmacy, and the sale of drugs and poisons in this state, and

WHEREAS, Education and experience requirements are set up in this state, which are deemed to be in the interest of the health, welfare and public safety of our people, and

WHEREAS, House Bill No. 997 and Senate Bill No. 216 have been introduced in the Congress of the United States to create and establish a Pharmacy Corps in the United States Army, and

WHEREAS, We believe that the passage of these bills will protect millions of boys and girls, in the Armed Forces, pharmaceutical service which are comparable in quality to that available to private citizens of this state and other states; Now Therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING

1. That this Legislature of the State of Alabama respectfully urges the Representatives in the Senate and the House of Representatives of the Congress of the United States to give earnest and favorable support to the passage of House Bill No. 997 and Senate Bill No. 216, and,

2. That a copy of these resolutions be forwarded immediately to the Two Senators and each Member of the House of Representatives in the Congress of the United States from the State of Alabama, and to the Chairman of the Senate and House Military Affairs Committee.

And sends same herewith to the Senate for its consideration.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The resolution, H. J. R. 41, set out in the foregoing message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Sanderson:

H.J.R. No. 45—Accepting in the name of the State a marble portrait bust of Governor Thomas Goode Jones.

Whereas, Honorable Walter B. Jones, of Montgomery, Presiding Judge of the 15th Judicial Circuit of Alabama and a former member of this House, has presented to the State of Alabama a marble portrait bust of his father, the late Governor Thomas Goode Jones, a former Speaker of this House; and

Whereas, Thomas Goode Jones, as a soldier of the Southern Confederacy, as a political leader of the people of Alabama in the dark days of Reconstruction, as Speaker of the House, as Governor of Alabama, and as United States District Judge, served his State and the people with courage, boldness, ability and high-mindedness for more than half a century and was one of the outstanding men of his generation, now, therefore, be it

RESOLVED BY THE HOUSE, THE SENATE CONCURRING:

1. That the State of Alabama accepts the gift of the memorial to Governor Jones and expresses to his son, Judge Jones, the appreciation of the Legislature and of the People of the State for the gift of the handsome bust, the work of Herbert Adams, of New York, the distinguished American sculptor.

2. That the formal acceptance of the memorial take place at a public joint session of the House and Senate in the Hall of the House of Representatives, and that the Honorable Chauncey Sparks, as Governor of Alabama, be requested to accept the memorial of his distinguished predecessor in the name of the State.

3. That a committee of five, three to be selected from the house and two by the Senate, be appointed to arrange the program for the occasion, and to report same to the House and Senate.

4. That a copy of these resolutions be forwarded to Judge Jones.

And the Speaker named as the Committee on the part of the House Messrs. Gillis, Cobb, Petrey.

And sends same herewith to the Senate for its consideration.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

On motion of Mr. Walton, the rules were suspended and the resolution, H. J. R. 45, set out in the foregoing Message from the House, was adopted by the Senate.

The President of the Senate appointed Messrs. St. John (Lawrence) and Mr. Pinson as Committee on Part of the Senate.

CALENDAR BILL RE-REFERRED

On motion of Mr. Simpson, the bill:

S. 41. To amend Sections 19, 21, 22, 24, 25, 26, 27, 33, 34, 37, 38, 39, 40 and 42 of Title 22 of the 1940 Code of Alabama, all relating to public health.

Was ordered removed from the Calendar and re-referred to the Standing Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Wood (at the request of Mr. Hardwick):

H. 407. To submit to the qualified voters of the State of Alabama, at an election to be held at the next General Election after the expiration of three months, after the final adjournment of the present regular session of the 1943 legislature, for their consideration, an amendment to the Consideration of Alabama, so as to authorize and empower the legislature of Alabama, from time to time, by general or local laws to fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by Tax Assesors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and provide the method and basis of their compensation, or consolidate any of said offices in the following named county: Houston, and whereby all Acts of the regular session of the legislature of 1943, heretofore passed and applicable or purporting to be applicable, to said county, and fixing or purporting to be applicable, to said county, and fixing or purporting to fix the compensation of said named county officers on a salary basis, are validated and confirmed.

Also:

By Messrs. Jones and Boswell:

H. 428. To authorize the organization of public non-profit corporations for the purpose of acquiring and operating facilities for the production, transmission and distribution of electricity and related services in power districts to be composed of all or parts of any three or more connecting counties; to specify the method of amending the certificate of incorporation of any such corporation; to provide for its management; to define its powers, including the power of eminent domain with certain limitations, the power to fix and collect rates and charges for services rendered, and the power to raise funds necessary for its purposes by the issuance of its revenue bonds payable solely from the revenues derived from the operation of its properties, which bonds and the interest coupons applicable thereto shall be negotiable; to exempt from all taxation all such bonds together with the income therefrom and any security executed therefor and all properties of the corporation; to authorize the making of pledges and mortgages and deeds of trust as security for such bonds; to require the consent of the Department of Finance to the issuance of such bonds; to specify the properties of such bonds and the rights and remedies of the holders thereof; to provide that such corporation shall not be subject to the jurisdiction of the Alabama Public Service Commission; and to provide for distribution of the assets of any such corporation on its dissolution.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committee as follows:

H. 407, to the Committee on Constitution and Constitutional Revision and Amendments.

The above bill was read one time at length as required by the Constitution.

H. 428, to the Committee on Municipalities and Municipal Organizations.

MESSAGE FROM THE HOUSE

Mr. President:

The House accedes to the request of the Senate for a Committee of Conference on the disagreement of the two houses on the bill:

S. 105. To amend Section 89, Article 2, Title 36 of the 1940 Code of Alabama.

Messrs. Hooton, Harris and McIlwain were appointed as Conferees on the part of the House.

R. T. Goodwyn, Jr.,
Clerk.

REPORT FROM RULES COMMITTEE

Mr. Carlton, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following Senate joint resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. Urging Congress to fight bill abolishing Poll Tax.

And said resolution was then adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following joint resolution:

By Mr. Henderson:

S. J. R. 41. RESOLVED BY THE SENATE, the House concurring, that a Conference Committee on Senate Bill 105 be appointed to be composed of three members from the Senate, to be appointed by the Presiding Officer of the Senate, and three members from the from the House, to be appointed by the Speaker of the House.

And the Speaker of the House has appointed Messrs. Hooton, Harris and McIlwain as Committee on the part of the House.

R. T. Goodwyn, Jr.,
Clerk,

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate joint resolution:

By Mr. St. John of Lawrence:

S. J. R. 30. Be it resolved by the Senate, the House concurring, that House Bill 45 be named the Hodo-Madison Bill.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,
Clerk,

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate joint resolution:

By Mr. Henderson:

S. J. R. 36. BE IT RESOLVED BY THE SENATE, the House concurring, that Senate Bill No. 21 be known as the Madison-Norman Bill.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,
Clerk,

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has adopted the following Senate joint resolution:

By Mr. Walton:

S. J. R. 26. Relative to the naming of House Bill No. 85 as the "Sullivan Bill".

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,
Clerk,

HOUSE MESSAGE

On motion of Mr. Walton, the Senate concurred in and adopted the following House amendment to the resolution, S. J. R. 26, the title of which is set out in the foregoing Message from the House, to-wit:

Amend Senate Joint Resolution No. 26, by Mr. Walton, by striking from the last line of the first and second paragraphs the words "Sullivan Bill" and inserting in lieu thereof the words "Sullivan-Taylor Bill".

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

By Messers. Jones and Boswell:

H. 429. To authorize any municipality in this State situated within the territorial limits of any power district proposed to be served with electricity and related services by a public non-profit corporation to advance funds to such corporation for the purpose of paying its preliminary organization and administration expenses, and to provide for the terms of any such advances.

Also:

By Mr. Sessions:

H. 389. To provide for a commission to be appointed from the Legislature for the purpose of having made an actuarial study, and having prepared a retirement plan for State employees, and to appropriate the sum of forty-five hundred dollars to pay the cost thereof.

Also:

By Mr. McIlwain:

H. 198. To provide for the correction of marriage applications, licenses and certificates by the Judge of Probate and prescribe the notice and proof required.

Also:

By Mr. Allen:

H.426.To amend Section 801 of Title 51 of the Code of 1940.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,
Clerk,

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committee as follows:

H. 429, to the Committee on Municipalities and Municipal Organizations.

H. 389 and H. 426, to the Committee on Finance and Taxation.

H. B. 198, to the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

By Mr. Taylor:

S. 30. To authorize the State of Alabama and any department or agency thereof and any county, municipality, town or other political sub-division of this State, in order to facilitate co-operation with the United States of America in carrying on war and defense activities, to accept from the United States of America, or any department, agency or independent establishment thereof, grants of funds and grants and loans of equipment, supplies, material and other property; to hold, use, expend, deal with, employ, distribute and dispose of such funds, equipment, supplies, material and other property; and to engage in such activities, to enter into such contracts, and to do such other acts and things as may be necessary or convenient to carry out the powers granted by this Act.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,
Clerk,

CALENDAR BILLS INDEFINITELY POSTPONED

On motion of Mr. Cater, further consideration of the bill, S. 43, was indefinitely postponed by the Senate.

On motion of Mr. Madison, further consideration of the bill, S. 149, was indefinitely postponed by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

By Mr. Taylor:

S. 29. To ratify appropriations heretofore made by the several counties of the State of Alabama for the purpose of defraying expenses of Civilian Defense.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,
Clerk,

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Duffee:

H.J.R. 46. BE IT RESOLVED BY HE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, THE SENATE CONCURRING, THAT:

Whereas, the great industrial plants of this state are among the most important producers of war materials in the United States, and

Whereas, the guns, shells, tanks, powder, airplanes and other implements of warfare are sorely needed by the fighting men of America on the fifty different fronts of this war, and

Whereas, the continued production of these desperately needed war materials is threatened by diminishing fuel stocks brought about by a shut-down of the coal mines of this state, and if such shut-down continues the war production program in Alabama will collapse, endangering the lives of many hundreds of thousands of our country's soldiers and sailors and jeopardizing the security of this nation.

And Whereas, this menacing situation and threatened disaster results from the tyrannical, high-handed and treasonable conduct of John L. Lewis, president of the United Mine Workers, under whose leadership and at whose behest miners have been forced to stop work, go on strike and halt war production in the coal mines for fear of bodily harm to themselves and members of their families unless they comply with the commands of their arrogant and despotic leader, John L. Lewis.

Now Therefore, the House of Representatives of the State of Alabama, the Senate concurring, do hereby unreservedly condemn and denounce the unpatriotic and unAmerican action of John L. Lewis in openly rebelling against the government of this nation in wartime, and we request the President of the United States and the Congress to use all the powers vested in them to eliminate this grave threat to the well-being and security of our fighting men and to the very existence of our nation. While we fully recognize the right of collective bargaining, we condemn the use of strikes in critical industries in wartime as an unAmerican device which gives aid and comfort to the enemy and constitutes open rebellion against our great nation at war.

And sends same herewith to the Senate for its consideration.

R. T. Goodwyn, Jr.,
Clerk.

Mr. McCary offered the following amendment to the resolution, H. J. R. 46, which is set out in the foregoing Message from the House, to-wit:

To amend House joint resolution No. 46 by adding the following:

Be it further resolved that a copy of this Resolution be sent to the President of the United States, a copy to each member of the Cabinet and a copy to each member of the Congress of the United States from Alabama.

And the amendment was then adopted by the Senate.

On motion of Mr. Simpson the rules were suspended and the resolution, as thus amended, was adopted by the Senate.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the thirty-first day and finds same correct and containing all original entries and references thereto required by the Constitution.

Jim Smith, Jr.,
Chairman.

COMMITTEE REPORT

On motion of Mr. Smith, the foregoing report was concurred in and the Journal of the Senate for the thirty-first day approved by the Senate.

ADJOURNMENT

At 1 o'clock P. M. on motion of Mr. Walton, the Senate adjourned until 10 o'clock tomorrow morning, Friday, June 4, 1943.

THIRTY SECOND DAY

Friday, June 4, 1943.

The Senate met pursuant to adjournment with President Pro-Tem, Mr. Simpson, presiding.

PRAYER

The session was opened with Prayer by Dr. Frank Tripp, of the First Baptist Church of Montgomery.

ROLL CALL

Present:

Messrs.:	Dodson	Kelly	St. John (Lawrence)
Benson	Espy	Kilborn	Shaver
Bentley	Garrett	Lawson	Sherrer
Black	Goodwin	Madison	Simpson
Bradford	Henderson	McCary	Smith
Carlton	High	Pinson	Taylor
Cater	Hill	St. John (Cullman)	Walton
Cobb	Hornsby		

—29

JOURNAL

On motion of Mr. Kilborn, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Espy leave of absence was granted Mr. Newton for today.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bills with the original and engrossed bills, respectively, and finds same correctly enrolled, to-wit:

S. 92. To ratify appropriations heretofore made by the several counties of the State of Alabama for the purpose of defraying expenses of Civilian Defense.

Also:

S. 30. To authorize the State of Alabama and any department or agency thereof and any county, municipality, town or other political subdivision of this State, in order to facilitate co-operation with the United States of America in carrying on war and defense activities, to accept from the United States of America, or any department, agency or independent establishment thereof, grants of funds and grants and loans of equipment, supplies, material and other property; to hold, use, expend, deal with, employ, distribute and dispose of such funds, equipment, supplies, material and other property; and to engage in such activities, to enter into such contracts, and to do such other acts and things as may be necessary or convenient to carry out the powers granted by this Act.

Sam High,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following Senate joint resolution with the original Senate Joint Resolution, and finds same correctly enrolled, to-wit:

S. J. R. 19. Relative to: Providing for a Declaration of the Federation of the World.

Sam High,
Chairman.

SIGNING OF SENATE JOINT RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate joint resolution; the title of which

is set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 113. To provide for court procedure to establish the facts of birth; to prescribe the method of giving notice of such court proceedings and to confer jurisdiction of such matter on the probate courts, circuit courts, or courts of like jurisdiction; to fix the amount of court costs to be charged and to provide for the filing and recording of a certified copy of the decree of said court in the office of the judge of probate of said county; and also in the office of the Registrar of Vital Statistics of Alabama; and to provide for the issuance of delayed certificates of birth based on said decree of court in the method provided by Title 22, Section 42, Code of 1940.

Also:

H. 320. To appropriate $40,000.00 from the General Fund to the Public Library Service Division in the State Department of Archives and History.

R. T. Goodwyn, Jr.,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. St. John (Cullman):

S. 320. To provide for the sale of airports, or landing fields for the use of airplanes and other aircraft, owned by any town, city or municipal corporation in the State of Alabama, and the disposition of proceeds from such sale.

Committee on Municipalities and Municipal Organizations.

By Mr. St. John (Cullman):

S. 321. "An Act to Provide for the Closing of the Court House offices of Judge of Probate, Tax Assessor, Clerk of Circuit Court, Sheriff, Tax Collector, Register of Circuit Court, and Board of Revenue, or other like Governing Body of Cullman County, Ala."

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

AN ACT

A Bill entitled "An Act to Provide for the Closing of the Court House offices of Judge of Probate, Tax Assessor, Clerk of Circuit Court, Sheriff, Tax Collector, Register of Circuit Court, and Board of Revenue, or other like Governing Body of Cullman County, Ala."

Be it Enacted by the Legislature of Alabama:

Section 1. From and after the passage of this Act it shall be lawful for the offices in the Court House of the Judge of Probate, Tax Assessor, Clerk of Circuit Court, Sheriff, Tax Collector, Register of the Circuit Court, and Board of Revenue, or other like Governing body of Cullman County, Alabama, to be closed from noon on each Saturday until the Following Monday morning.

Section 2. That this Act shall be effective upon its approval by the Governor.

STATE OF ALABAMA,
CULLMAN COUNTY.

Before me, Opal Watson, a Notary Public in and for said State and County, this day personally appeared Mamie Bradford, who being by me first duly sworn, deposes and says that she is the Editor and Publisher of The Cullman Banner, a newspaper of general circulation published in Cullman County, Alabama; that the above and foregoing notice was published once a week for four consecutive weeks in The Cullman Banner, to-wit: April 22, 1943; April 29, 1943; May 6, 1943; and May 13, 1943, without cost to the State of Alabama.

MAMIE BRADFORD,
Editor and Publisher, The Cullman Banner..

Sworn to and subscribed before me, this 21st day of May, 1943.

OPAL WATSON,
(Seal) Notary Public, Cullman County, Ala.

By Mr. Walton:

S. 322. To make legal in the State of Alabama any food, drug, device or cosmetic subject to and complying with the Federal Food, Drug and Cosmetic Act; to make illegal and prohibit the sale in Alabama of any food, drug, device or cosmetic which within the meaning of the provisions of the Federal Food, Drug and Cosmetic Act would be prohibited from movement in interstate commerce.

Committee on Public Health.

By Messrs. McCary and Black (by request):

S. 323. To provide a maximum limit for the amounts of license taxes that may be charged by municipalities against persons, firms or corporations engaged in the business of operating theatres or motion picture shows; and excepting therefrom municipalities which are charging higher rates than those provided herein where such higher rates are pledged by contract in support of outstanding municipal bonds; and to provide for municipal elections in connection with such license taxes.

Committee on Municipalities and Municipal Organizations.

By Mr. Bradford:

S. 324. To amend Sections 674 and 675 and 676 of Title 2 of the Code of Alabama of 1940.

Committee on Agriculture.

REPORTS OF COMMITTEES

Mr. Cobb, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Benson (with notice and proof):

S. 313. To allow the Sheriff of Jackson County, Alabama, an additional deputy sheriff to that now provided by law; to fix the salary of said deputy and to make the same payable out of the General Funds of Jackson County in monthly installments.

By Mr. Smyer:

H. 335. To apply only in the circuit court in counties having a population of 300,000 or more according to the last or any subsequent Federal census; to provide that in such courts the parties to any action, except prosecutions for capital felonies, may at any stage of a trial then pending and whether the jury has retired or not, unanimously consent with legal effectiveness to the discharge from further duty of any member of the jury trying the case, and to a continuation of the trial and the rendition of a verdict by the remaining jurors; and to further provide that in such courts and in such actions the parties may, prior to the commencement of a trial, unanimously stipulate in open court with legal effectiveness that in the event it becomes necessary during the pendency of the trial, whether the jury has retired or not, for the court to discharge from further duty any member of the jury trying the case because of the juror's sickness or other good cause, the trial shall continue with and a verdict be rendered by the remaining jurors.

By Mr. Snyder (with notice and proof):

H. 337. To provide that in the event a judge of the circuit court of Jefferson County, Alabama (Tenth Judicial Circuit) so requiries, a bailiff or bailiffs heretofore or hereafter appointed by him may be required to perform clerical, stenographic and secretarial work in addition to other work.

By Mr. Gwin:

H. 441. To provide for the disposition, in all counties of this State which, according to the last Federal census, or any subsequent Federal census, having a population of 300,000 or more of all fines, forfeitures and costs which hereafter may be paid by any person or persons convicted in any court of competent jurisdiction in such counties of violations of the rules and regulations promulgated by the State Highway Commission concerning the operation of motor vehicles upon the highways of this State, and of violations of the Alabama Highway Code, where the persons thus convicted have been arrested by the Sheriff, or his deputies, or by any other county or municipal law enforcement officer, qualified to make such arrests in such counties.

By Mr. Snyder (with notice and proof):

H. 450. To fix the compensation or salary of the Treasurer of Jefferson County, Alabama, and to regulate the payment thereof.

By Messrs. Gwin, Smyer, Edwards, Hodo, Sessions, Chichester & Snyder:

H. 552. To further define and extend the powers, authority and duties of the Circuit Solicitor of the Tenth Judicial Circuit; to require the Circuit Solicitor of the Tenth Judicial Circuit to supervise the prosecution of all misdemeanors to be tried, and all felonies to be heard on preliminary trial in the Jefferson County Court of Misdemeanors; and to authorize the Circuit Solicitor to appoint a Deputy Circuit Solicitor who shall prosecute in the Jefferson County Court of Misdemeanors; and to fix his salary and provide for payment thereof; and to repeal all laws or parts of laws, local or general, in conflict with this Act.

Mr. Shaver, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Bentley (with substitute):

S. 188. To amend Sections 185, 187, 191, 204, 209, 213, 214, 216, 224, 225, 227, 233 and 248 of Title 26, Code of Alabama, 1940, and to

repeal Subsection D of Section 185 and all of Section 226 of Title 26, Code of Alabama, 1940, and to repeal all laws and parts of laws in conflict herewith.

By Mr. Taylor:

S. 316. To amend Section 6 of Title 27, of the Code of Alabama 1940.

By Mr. Fite:

H. 80. To amend equity rules fifty-one and fifty-two as set out in the 1940 Code of Alabama.

By Mr. Fite:

H. 81. To amend section six of equity rule fifty-five as it now appears in the 1940 Code of Alabama.

Mr. St. John (Cullman), Chairman of the Standing Committee on Municipalities and Municipal Organizations, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Jones and Boswell:

H. 428. To authorize the organization of public non-profit corporations for the purpose of acquiring and operating facilities for the production, transmission and distribution of electricity and related services in power districts to be composed of all or parts of any three or more connecting counties; to specify the method of amending the certificate of incorporation of any such corporation; to provide for its management; to define its powers, including the power of eminent domain with certain limitations, the power to fix and collect rates and charges for services rendered, and the power to raise funds necessary for its purposes by the issuance of its revenue bonds payable solely from the revenues derived from the operation of its properties, which bonds and the interest coupons applicable thereto shall be negotiable; to exempt from all taxation all such bonds together with the income therefrom and any security executed therefor and all properties of the corporation; to authorize the making of pledges and mortgages and deeds of trust as security for such bonds; to require the consent of the Department of Finance to the issuance of such bonds; to specify the properties of such bonds and the rights and remedies of the holders thereof; to provide that such corporation shall not be subject to the jurisdiction of the Alabama Public Service Commission; and to provide for distribution of the assets of any such corporation on its dissolution.

By Messrs. Jones and Boswell:

H. 429. To authorize any municipality in this State situated within the territorial limits of any power district proposed to be served with electricity and related services by a public non-profit corporation to advance funds to such corporation for the purpose of paying its preliminary organization and administration expenses, and to provide for the terms of any such advances.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment.

By Messrs. Gullatt and Cole:

H. 482. To remove cloud upon title to real estate erroneously sold for taxes.

Also:

By Mr. Rains and Mr. McCurdy:

H. 313. To provide for the disposition and use of the profits, including all tax levied upon the selling price of all spirituous or vinous liquors, less all cost and expense of collecting said tax, of the Alabama Liquor Stores operated under the Alcoholic Beverage Control Board of Alabama.

Also:

By Messrs. Gwin, Sessions, Smyer, Edwards, Hodo, Chichester and Snyder:

H. 574. To further regulate the pay of election officers in counties now having, or which may hereafter have a population of three hundred thousand people according to the last, or any subsequent, Federal census.

Also:

By Mr. Bagley:

H. 568. TO Create a Purchasing Agent for Calhoun County, Alabama, and providing that the Chairman of the County Commission of said County shall be the Purchasing Agent; to define the powers and duties of said Purchasing Agent, and providing that he shall purchase, books, stationery, blanks, machinery, supplies, materials, appliances and equipment for the several county offices, jails, court house, almshouse, roads and bridges of said county, and fixing his salary and providing for the payment of the same.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that a bill will be introduced in the next regular session of the legislature, in substance as follows:

A BILL
TO BE ENTITLED
AN ACT

TO Create a Purchasing Agent for Calhoun County, Alabama, and providing that the Chairman of the County Commission of said County shall be the Purchasing Agent; to define the powers and duties of said Purchasing Agent, and providing that he shall purchase, books, stationery, blanks, machinery, supplies, materials, appliances and equipment for the several county offices, jails, court house, almshouse, roads and bridges of said county, and fixing his salary and providing for the payment of the same.

Be It Enacted By The Legislature Of Alabama:

Section 1. That there be and is hereby created a Purchasing Agent for Calhoun County, Alabama; that the Chairman of the County Commission of said County shall be the Purchasing Agent for said County, and shall perform all the duties conferred upon said Purchasing Agent. The duties of said Purchasing Agent shall be to purchase for the county officials, the county offices, and every department of the county all books, stationery, supplies, office equipment, printing and printed matter, blanks, forms, machinery, equipment, including road equipment, and machinery, tools and material and supplies for the court houses, jails, almshouses and bridges, and that it shall be the duties of said Purchasing Agent to ask for competitive bids therefor on all purchases over $100, if no bids received he shall purchase at best prices obtainable.

Section 2. That such books, stationery, supplies, office equipment, printing and printed matter, blanks, forms, machinery, equipment, including road equipment and machinery, tools and materials, and material and supplies for the court houses, jails, almshouses and bridges, shall be furnished only upon written requisition setting forth the articles needed and signed by the officer for whose office said articles are requested, and thereupon said Purchasing Agent shall make inquiry and ascertain whether the articles are necessary before purchasing the same, and all invoices of such purchases, with said requisition attached, shall be kept on file in the office of the Chairman of the County Commission of said county in alphabetical order as a permanent record subject to inspection by the public at all reasonable times.

Section 3. That the term of office of the Chairman of the County Commission as said Purchasing Agent shall be the same as his term of office as Chairman of the County Commission, and he shall receive for his services an annual salary of Twelve Hundred ($1,200.00) Dollars, to be paid in monthly installments of One Hundred ($100.00) Dollars, out of the general fund of said county as other salaries are paid.

Section 4. The County Commission of said county shall require the officers to obtaining such articles to be responsible for the same and to deliver the unused portion thereof to their successors in office.

Section 5. That this Act shall take effect immediately upon its passage and approval, and that all laws and parts of laws in conflict herewith are hereby repealed, insofar as they apply to Calhoun County, Alabama.

Apr. 30—May 7-14-21

Anniston, Ala.

Personally appeared before me, Ralph W. Callahan, who, being duly sworn, makes oath that he is Business Manager of The Anniston Star, a daily newspaper published in Anniston, Ala., and that the attached notice was published on the following dates, April 30—May 7-14-21, 1943.

RALPH W. CALLAHAN.

Sworn to and subscribed before me this 21 day of May, 1943.

CLARA B. WRIGHT,
Notary Public.

Also:

By Mr. Gwin:

H. 580. To amend Sections 2, 7, 10, 11, 13, 14, 25, 26 and 27 of an act of the Legislature, approved September 7, 1935, entitled "AN ACT To establish an inferior court of record to be called the Intermediate Civil Court of Birmingham; to define the jurisdiction and powers of said court and the officers thereof; to provide for the election or appointment of the judge, clerk and other officers of said court; to fix the terms or tenures of office of the officers of said court and provide for their salaries and compensation and the method of payment of same; to provide the procedure in said court and fix the method of service of all processes therefrom; to create and designate the officials to serve processes issued by said court and provide compensation therefor; to designate the officers of said court and define their duties and the duties of other officials with respect to said court; and to provide for appeals from said court and regulate the manner of taking same."

With notice and proof hereto attached and herewith exhibited as follows:

TO WHOM IT MAY CONCERN:

Take notice that it is the intention to apply to the Legislature of Alabama at the next session thereof to be held beginning in May, 1943, for the passage of an act the substance of which is substantially as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 2, 7, 10, 11, 13, 14, 25, 26 and 27 of an act of the Legislature, approved September 7, 1935, entitled "AN ACT To establish an inferior court of record to be called the Intermediate Civil Court of Birmingham; to define the jurisdiction and powers of said court and the officers thereof; to provide for the election or appointment of the judge, clerk and other officers of said court; to fix the terms or tenures of office of the officers of said court and provide for their salaries and compensation and the method of payment of same; to provide the procedure in said court and fix the method of service of all processes therefrom; to create and designate the officials

to serve processes issued by said court and provide compensation therefor; to designate the officers of said court and define their duties and the duties of other officials with respect to said court; and to provide for appeals from said court and regulate the manner of taking same."

Be It Enacted By The Legislature Of Alabama:

Section 1. That Section 2 of an act of the Legislature, approved September 7, 1935, entitled "An Act to Establish an Inferior court of record to be called the Intermediate Civil Court of Birmingham; to define the jurisdiction and powers of said court and the officers thereof; to provide for the election or appointment of the judge, clerk and other officers of said court; to fix the terms or tenures of office of the officers of said court and provide for their salaries and compensation and the method of payment of same; to provide the procedure in said court and fix the method of service of all processes therefrom; to create and designate the officials to serve processes issued by said court and provide compensation therefor; to designate the officers of said court and define their duties and the duties of other officials with respect to said court; and to provide for appeals from said court and regulate the manner of taking same," be and the same is hereby amended so as to read as follows:

Section 2. That the court hereby established shall be a court of Record and have and exercise civil jurisdiction in all civil matters of which justices of the peace and inferior courts in lieu of justices of the peace have jurisdiction under the general laws of the state, concurrently with the several justices of the peace and inferior courts in Jefferson County, and, in addition thereto, the said court shall have jurisdiction concurrently with the circuit court in all civil cases where the amount in controversy exceeds the jurisdiction of justices of the peace but does not exceed the sum of Five Hundred Dollars ($500.00), provided that the court shall not have jurisdiction in tort cases other than actions of trespass to and detention or conversion of personal property where the amount in controversy exceeds Three Hundred Dollars, nor shall it have jurisdiction (regardless of amount in controversy) of workmen's compensation cases, libel, slander, assault and battery, ejectment or actions in the nature of ejectment. Where the action is in detinue in which the plaintiff seeks to recover on a chattel mortgage or a conditional sale contract, the amount in controversy shall for the purpose of determining jurisdiction be the balance of the mortgage debt or purchase price as the case may be or the value of the property in suit whichever may be less, and where the action is for forcible entry or unlawful detainer the amount in controversy shall for the purpose of determining jurisdiction be the amount of damages claimed. The court shall have jurisdiction of proceedings for discovery of assets of judgment debtors and shall exercise such jurisdiction in the same manner and according to the same procedure and with the same powers as is provided by law with respect to civil judgments in circuit courts.

Section 2. That Section 7 of an act of the Legislature approved September 7, 1935, and described in the outset of Section 1 of this act, be and the same is hereby amended so as to read as follows:

Section 7. That the judge of said court shall receive an annual salary of Five Thousand and Four Hundred Dollars (5400.00), payable in equal monthly installments out of the County treasury of Jefferson County. The judge of said court shall not during his tenure of office practice law in any of the courts of this state or of the United States.

Section 3. That Section 10 of an act of the Legislature approved September 7, 1935, and described in the outset of Section 1 of this act, be and the same is hereby amended so as to read as follows:

Section 10. That the constables of Precincts 9, 10, 21, 34, 37, 42, 46 and 54 of Jefferson County and the Sheriff of Jefferson County shall be ex officio

officers of said court and shall execute all processes from said court and make return thereof, and shall receive the same fees as are now provided by law for similar services, with respect to processes issuing from the courts of justices of the peace in said county, but the fees of the sheriff shall be covered into the county treasury. All processes in cases where the amount in controversy is over $100.00 shall be served by the sheriff, but processes in other cases may be delivered by the clerk to the sheriff or to the said constables under such rules of the court as the judge may prescribe. Any process from said court, however, which under existing laws relating to service of processes from civil courts of inferior jurisdiction of the county may be legally served by constables and the sheriff of said county by registered mail may (in addition to or alternative of other modes of service) be served by the clerk or any deputy clerk, such service to have the same effect as if served by the sheriff or constable, and for which the same fees shall be taxed, collected and paid into the county treasury. The processes from said court shall run to any lawful officer of the state and be served or executed by the sheriff (or his duly authorized deputy) of the county in which such processes are to be served or executed, provided that this sentence shall not be construed as affecting or altering the service or execution of processes to be served or executed in Jefferson County.

Section 4. That Section 11 of an act of the Legislature approved September 7, 1935, and described in the outset of Section 1 of this act, be and the same is hereby amended so as to read as follows:

Section 11. That the clerk of said court shall issue all processes out of said court, approve all bonds, keep a docket of said court, certify all appeals and perform such other duties as are usually required of clerks of courts. The bailiff's duties for said court shall also be performed by the clerk or one of the deputy clerks. The fees and costs that are now allowed by law to justices of the Peace in Jefferson County, or which may hereafter be allowed by law in courts of justices of the peace in said county shall be taxed and collected and paid into the county treasury. There shall also be taxed, collected, and paid into the county treasury a suit fee in each case filed in said court of One Dollar ($1.00) where the amount in controversy is not over One Hundred Dollars, and Two Dollars and Fifty Cents ($2.50) where the amount in controversy is more than One Hundred Dollars. Said suit fee shall not be imposed or collected in any ancillary proceedings, such as garnishment process, resulting from prior proceedings in which said suit fee has been imposed.

Section 5. That Section 13 of an act of the Legislature approved September 7, 1935, and described in the outset of Section 1 of this act, be and the same is hereby amended so as to read as follows:

Section 13. That executions may issue on the judgments of this court and revivor thereof had and actions thereon maintained in the same manner and for the same length of time and in accordance with the same procedure as is or may be provided by law with respect to judgments of the circuit court, provided that the scire facias to revive any judgment in said court need not be served for any greater length of time than is provided herein with respect to service of the summons, and provided further that an execution from said court need not have thereon an itemized statement of the bill of costs. The Judgments of this court shall be subject to registration in the same manner and in accordance with the same procedure as is or may be provided by law for the registration of judgments of the circuit court, and the liens thereof shall attach and executions be issued thereon in the same manner and to the same extent and for the same length of time as is or may be provided by law with respect to circuit court judgments.

Section 6. That Section 14 of an act of the Legislature approved September 7, 1935, and described in the outset of Section 1 of this act, be and the same is hereby amended so as to read as follows:

Section 14. That the summons must be issued by the clerk of the court, and accompanied by the complaint of the plaintiff or by an endorsement setting forth the cause of action, but a complaint shall be sufficient if it contains such information as is required by law with respect to endorsements on the summons of courts of justices of the peace. The summons must be executed by the constable, sheriff or other officer authorized to serve process by leaving a copy of the summons and complaint, or summons with the cause of action endorsed thereon with the defendant which fact he must return with the process. No party shall be treated as in default until the return date of the summons nor until after the lapse of at least three days from date of service in cases (other than forcible entry and unlawful detainer) where the amount in controversy does not exceed One Hundred Dollars, nor in other cases (including forcible entry and unlawful detainer) until after the lapse of at least six days from date of service of the summons. All garnishments shall be answerable at or before nine o'clock A.M. of the return day of the writ and the court may render a conditional judgment against any garnishee who after proper service of the writ fails to answer at or before such time. No more than three days service of any rule or notice to show cause why a conditional judgment should not be made final shall be necessary in any garnishment proceeding in this court. In all garnishment cases the garnishee must answer under oath according to the terms of the garnishment but the clerk need not give notice of the filing of the answer to either the plaintiff or defendant. The garnishee may, if required by the plaintiff (which request need not be in writing) be examined orally in the presence of the court. If the answer of the garnishee is seasonably filed any request by plaintiff for oral examination must be made within thirty days from the return date of the writ of garnishment, and in the absence of such request or of a contest instituted within thirty days from the said return date the garnishee shall be entitled to stand upon his answer as made. Service of any notice proper to be made by publication may be perfected by one insertion of the notice and after ten days from the date of publication of any such the party so notified and failing to appear shall be treated as in default. In all garnishment proceedings in said court the court may upon motion of any party in interest and reasonable notice to the party or parties adversely affected not less than three days, and whether the garnishee has answered or not hear and determine the right of exemption of the defendant in garnishment with respect to the monies or property garnished.

Section 7. That Section 25 of an act of the Legislature approved September 7, 1935, and described in the outset of Section 1 of this act, be and the same is hereby amended so as to read as follows:

Section 25. That it shall be the duty of the clerk to issue an execution on all judgments rendered in said court after five days from the entry thereof and place the same in the hands of the sheriff or other officer of the court who shall return such execution within sixty days thereafter, said return to show that he has collected said judgment and paid the same or the amount collected, or is unable to find property of the person against whom said process issued out of which said execution can be satisfied in whole or in part. Real property may be levied on and sold under any execution from this court without motion or other proceeding in Circuit Court.

Section 8. That Section 26 of an act of the Legislature approved September 7, 1935, and described in the outset of Section 1 of this act, be and the same is hereby amended so as to read as follows:

Section 26. That if it shall appear to the clerk that in any case where an execution has been returned unsatisfied as to the cost of said cause and in the opinion of the clerk said cost can be collected by an alias execution the clerk may issue such alias execution and may direct the sheriff or constable as

to what property can be levied upon to satisfy said judgment, and the clerk may in such cases issue such other or further executions as may be deemed necessary to enforce payment of costs against any party liable to execution for costs whether plaintiff or defendant.

Section 9. That Section 27 of an act of the Legislature approved September 7, 1935, and described in the outset of Section 1 of this act, be and the same is hereby amended so as to read as follows:

Section 27. That when in any case execution against the defendant is returned "No property found" execution may issue against the plaintiff, in the name of the clerk for all costs created by him in obtaining his judgment or attempting to collect the same, and such other or further executions may be issued as may be deemed necessary.

Notice is hereby given that Section 2 of the foregoing proposed act amending Section 7 of an act of the Legislature approved September 7, 1935, and described in the outset of Section 1 of the proposed act, may as introduced in or as passed by the Legislature, so amend Section 7 of said act of the Legislature approved September 7, 1935, as to provide for an annual salary for the judge of said Court less than the sum stated in the foregoing proposed act but not less than Four Thousand and Eight Hundred Dollars ($4800.00).

Age-Herald, April 29, May 6, 13, 20.

STATE OF ALABAMA }
COUNTY OF JEFFERSON } ss:

On this 21 day of May A.D. one thousand nine hundred and forty three personally appeared before me, Virginia Sargent, a Notary Public in and for the County and State aforesaid J. H. Capps, who being duly sworn according to law, declares that he is bookkeeper of "The Birmingham Age-Herald", newspaper published in the City of Birmingham, in the County of Jefferson, State of Alabama, and that the advertisement, a true copy of which is herewith attached, appeared in "The Birmingham Age-Herald" on the following dates: April 29th, 1943, May 6th, 13th, 20th, 1943.

Signed J. H. CAPPS,

Subscribed and sworn to before me this 21 day of May, A.D. 1943.

VIRGINIA SARGENT,
Notary Public.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees as follows:

H. 482, to the Committee on Judiciary.

H. 313, to the Committee on Finance and Taxation.

House bills 574, 568 and 580, to the Committee on Local Legislation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate joint resolution:

By, Mr. Simpson:

S. J. R. 40. Relative to an invitation to Honorable Henry B. Steagall to address a joint session of the Legislature.

And the Speaker named as the Committee on part of the House Messrs. Ard, Boswell and Brantley,

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate joint resolution:

By Mr. Pinson:

S. J. R. 42. Relative to Bill to abolish Poll Tax now pending before the Senate of the United States.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills:

S. 158. To regulate notice of adverse claim to a bank deposit and to prescribe requirements, including indemnity bond, and the procedure necessary to make such claim effective or cause recognition of adverse claim; and exempting from application of Act deposits standing in name of person who is a fiduciary for adverse claimant, if that fact and reasonable cause to believe fiduciary is about to misappropriate deposit are made to appear by affidavit of such claimant.

Also:

S. 113. To amend Section 187 of Title 5 of the 1940 Code of Alabama.

Also:

S. 137. To authorize and create an additional judge of the Fourth Judicial Circuit of Alabama and to provide for his election, jurisdiction, powers, authority and qualifications, to render him liable to all the pains and penalties of the other Circuit Judges of the State, and to provide for the salary of said judge.

Also:

S. 116. To amend Section 115 of Title 41 of the 1940 Code.

Also:

S. 159. To amend Title 5, Section 82, of the Code of Alabama of 1940, so as to include as exempt from its provisions loans or obligations secured or covered by guaranties, commitments or agreements to take over or purchase the same, made by any Federal Reserve Bank or by the United States, or any Department, Board, Bureau, Commission or agency thereof, or corporation wholly owned directly or indirectly by the United States.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,
Clerk.

BILLS ON THIRD READING

The bill:

S. 293. To declare that portion of Morgan Street in the City of Dothan, Alabama, located and situated in the SE¼ of NE¼ of Section 23, Township 3, Range 26, and a part of "Westover" according to map recorded in Deed Book 8, formerly belonging to Joseph Lee Rhodes, extending south from West Mead Avenue, shall, upon the passage and approval of this Act, cease to be a public Street, and authorize Christina M. Smith, her heirs and assigns, to perpetually use and occupy said portion of said Street and vesting the title in the said Christina M. Smith.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays 0.

Yeas:

Messrs.:	Espy	Hornsby	Pinson
Benson	Garrett	Kelly	St. John (Cullman)
Bentley	Goodwin	Kilborn	St. John (Lawrence)
Cater	Henderson	Lawson	Smith
Cobb	High	Madison	Taylor
Dodson	Hill	McCary	Walton

—23

Nays: —0

The bill:

S. 309. To Provide for the Government of all Cities in the State of Alabama which now have or which may in the future have a population of not less than seventy-eight thousand and five hundred inhabitants and not more than two hundred and fifty thousand inhabitants according to the last or any subsequent Federal Census.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Espy	Hornsby	Pinson
Benson	Garrett	Kelly	St. John (Cullman)
Bentley	Goodwin	Kilborn	St. John (Lawrence)
Cater	Henderson	Lawson	Smith
Cobb	High	Madison	Taylor
Dodson	Hill	McCary	Walton

—23

Nays: —0

The bill:

H. 437. To Fix the Compensation Or Salary To Be Paid The Tax Collector of Etowah County, Alabama, And To Regulate The Payment Of The Same; To Provide For Compensation of Clerks, Deputies, Clerical Assistants and Other Expenses in Said Office of The Tax Collector of Etowah County, Alabama, and To Require Said Tax Collector To Collect All The Fees, Compensation and Allowances Heretofore Or Hereafter Authorized to Be Collected By Him, Including Compensation Payable To Him For Collecting Ad Valorem taxes For The Several Municipalities In Etowah County, And To Pay Same Into The County Treasury Of Etowah County; To Provide For The Payment Of The Salary Or Compensation Of Said Tax Collector Of Etowah County, And The Clerks, Deputies And Other Clerical Assistants, And Other Office Expenses Out Of The Funds Of Etowah County, And To Provide Rules and Regulations For The Management And Operation Of Such Office Made Necessary By Changing The Method And Basis of Compensation Of Such Tax Collector, And To Prescribe When This Act Shall Go Into Effect.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	Espy	Henderson
Benson	Cobb	Garrett	High
Bentley	Dodson	Goodwin	Hill

Hornsby	Lawson	Pinson	Smith
Kelly	Madison	St. John (Cullman)	Taylor
Kilborn	McCary	St. John (Lawrence)	Walton

—23

Nays: —0

The bill:

H. 438. To Fix The Compensation Or Salary To Be Paid The Tax Assessor Of Etowah County, Alabama, And To Regulate The Payment Of The Same; To Provide For Compensation of Clerks, Deputies, Clerical Assistants and Other Expenses In Said Office Of The Tax Assessor Of Etowah County, Alabama, And To Require Said Tax Assessor To Collect All Fees, Compensation And Allowances Heretofore Or Hereafter Authorized To Be Collected by Him, Including Compensation Payable To Him For Making Ad Valorem Tax Assessments For The Several Municipalities In Etowah County, And To Pay Same Into The County Treasury Of Etowah County; To Provide For The Payment Of The Salary Or Compensation Of Said Tax Assessor Of Etowah County, and The Clerks, Deputies And Other Clerical Assistants And Other Office Expenses Out Of The Funds Of Etowah County, And To Provide Rules And Regulations For The Management and Operation Of Such Office Made Necessary By Changing The Method And Basis Of Compensation Of Said Tax Assessor, And To Prescribe When This Act Shall Go Into Effect.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Espy	Hornsby	Pinson
Benson	Garrett	Kelly	St. John (Cullman)
Bentley	Goodwin	Kilborn	St. John (Lawrence)
Cater	Henderson	Lawson	Smith
Cobb	High	Madison	Taylor
Dodson	Hill	McCary	Walton

—23

Nays: —0

The Bill:

H. 439. To Fix The Compensation Or Salary To Be Paid The Judge Of Probate Of Etowah County, Alabama, And To Regulate The Payment Of The Same; To Provide For The Compensation of Clerks, Deputies, Clerical Assistants And Other Expenses In The Probate Office Of Etowah County, Alabama, And To Require Said Judge Of Probate To Collect All The Fees, Compensation And Allowances Heretofore Or Hereafter Collected By Said Judge Of Probate, And To Pay Same Into The County Treasury Of Etowah County; To Provide For The Payment of The Salary Or

Compensation Of Said Judge Of Probate And The Clerks, Deputies And Other Clerical Assistants, And Other Office Expenses, Out Of The Funds Of Etowah County, And To Provide Rules And Regulations For The Management And Operation Of Such Office Made Necessary By Changing The Method And Basis Of Compensation Of Such Judge Of Probate, And To Prescribe When This Act Shall Go Into Effect.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Espy	Hornsby	Pinson
Benson	Garrett	Kelly	St. John (Cullman)
Bentley	Goodwin	Kilborn	St. John (Lawrence)
Cater	Henderson	Lawson	Smith
Cobb	High	Madison	Taylor
Dodson	Hill	McCary	Walton

—23

Nays: —0

The bill:

H. 543. To repeal "An act to authorize and require the Board of Education of Montgomery County, Alabama, to provide a pension or retiring allowance for teachers who have served in the public schools of Montgomery County, Alabama," approved September 5, 1939; and to provide pension retiring allowances for teachers heretofore placed on the retired list by the Board of Education of Montgomery County, Alabama; and to authorize said Board to supplement retirement allowances under the State Teachers' Retirement System for teachers who may retire as members of said State Retirement System on or before July 1, 1950.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Espy	Hornsby	Pinson
Benson	Garrett	Kelly	St. John (Cullman)
Bentley	Goodwin	Kilborn	St. John (Lawrence)
Cater	Henderson	Lawson	Smith
Cobb	High	Madison	Taylor
Dodson	Hill	McCary	Walton

—23

Nays: —0

The bill:

H. 526. To authorize the Chambers County Board of Education to pay to J. T. Phillips the principal amount of a note for One

Thousand Dollars executed by the Trustees of the Chambers County Training School of LaFayette, Alabama on August 20, 1919, together with interest thereon from date from date of maturity at not exceeding four per cent per annum.

Was read a third at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Espy	Hornsby	Pinson
Benson	Garrett	Kelly	St. John (Cullman)
Bentley	Goodwin	Kilborn	St. John (Lawrence)
Cater	Henderson	Lawson	Simpson
Cobb	High	Madison	Smith
Dodson	Hill	McCary	Taylor

—23

Nays: —0

The bill:

S. 308. To alter and rearrange the boundaries of the City of Mobile, Alabama, to describe the boundaries thereof, to merge the City of Prichard and the City of Mobile, as presently existing and certain other territories into the City of Mobile, to withdraw certain territory now within the boundaries of the City of Mobile from the same, to provide for the continuation of the government of the City of Mobile by the Board of Commissioners of the City of Mobile, to provide for the transfer of certain officers and employees of the City of Prichard to the employ of the City of Mobile, to provide the status of such officers and employees, to provide for the assumption of the obligations of the City of Prichard by the City of Mobile, and the manner of payment of the same, to provide for the transfer of all properties, assets and claims of the City of Prichard to the City of Mobile, to provide for the repeal of all laws in conflict herewith and to provide an effective date for this act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Espy	Hornsby	Pinson
Benson	Garrett	Kelly	St. John (Cullman)
Bentley	Goodwin	Kilborn	St. John (Lawrence)
Cater	Henderson	Lawson	Simpson
Cobb	High	Madison	Smith
Dodson	Hill	McCary	Taylor

—23

Nays: —0

The bill:

H. 496. To amend Section 86, of Title 55, of the 1940 Code of Alabama.

Was taken up.

Mr. Kilborn offered the following amendment to the bill, to-wit:

Amend Section 1 of H. B. 496 to read as follows:

"Section 1. That Section 86 of Title 55 of the 1940 Code of Alabama be and the same is hereby amended to read as follows:

Section 86 (820) "STATEMENT OF EXPENSES FILED WITH COMPTROLLER BEFORE WARRANT ISSUES".

All officers and employes who travel at the expense of the State or any of its departments, agencies, boards, bureaus or commissions shall file with the Comptroller an itemized statement of all expenses incurred, including those for transportation, in connection with such travel at the expense of the State, agency, institution, board, bureau or commission, verified by affidavit, before any warrant shall issue for such expenses."

Which was lost.

Yeas, 10; Nays, 17.

Yeas:

Messrs.:	Hill	St. John (Lawrence)	Smith	
Cater	Kilborn	Shaver	Taylor	
Garrett	St. John (Cullman)	Simpson		—10

Nays:

Messrs.:	Carlton	High	Madison	
Benson	Dodson	Hornsby	McCary	
Bentley	Espy	Kelly	Pinson	
Black	Goodwin	Lawson	Walton	
Bradford	Henderson			—17

Mr. Walton moved that the Senate re-consider the vote by which the amendment offered by Mr. Kilborn was lost, which motion prevailed and the Senate did reconsider the vote.

And said amendment was then adopted.

Yeas, 21; Nays, 7.

Yeas:

Messrs.:	Dodson	Lawson	Shaver	
Benson	Espy	Madison	Simpson	
Black	Garrett	McCary	Smith	
Carlton	Goodwin	St. John (Cullman)	Taylor	
Cater	Hill	St. John (Lawrence)	Walton	
Cobb	Kilborn			—21

Nays:

Messrs.:	Bradford	High	Kelly
Bentley	Henderson	Hornsby	Pinson

—7

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:	Cobb	Hill	St. John (Cullman)
Benson	Dodson	Kelly	St. John (Lawrence)
Bentley	Espy	Kilborn	Shaver
Black	Garrett	Lawson	Simpson
Bradford	Goodwin	Madison	Smith
Carlton	Henderson	McCary	Taylor
Cater	High	Pinson	Walton

—27

Nays: —0

The bill:

H. 221. To amend Section 4 as amended by a Local Act of the Legislature of Alabama, approved September 12, 1939, of a Local Act entitled "An Act to establish an Inferior Court in Macon County, Alabama, to be known as the Inferior Court of Macon County, to abolish the County Court of Macon County, Alabama, and to confer upon said Inferior Court of Macon County the Criminal and Civil Jurisdiction concurrent with that of the Justices of Peace in the County of Macon, Alabama, and all jurisdiction of the County Court of Macon County, Alabama; and to provide for a Clerk of said Court and prescribe his fees, and define his duties and compensation; to establish methods of procedure and fix the Court costs in said Court; to define the jurisdiction of said Court and to provide for a Judge of said Court and provide and fix the method of his selection or election, and qualification and term or terms of office, define his power and duties, and fix the salary of such Judge; and to provide for a Solicitor for said Court and provide and fix the method of his selection or election, and qualification and term or terms of office, prescribe his duties and fix the salary of such solicitor; to provide the method whereby the Judge thereof may recuse himself. To provide for certificates of judgment of said Court and the recordination thereof; to provide the method of issuing warrants returnable to said Court, and to define and provide for the proceedings of said Court, and to provide for the transfer and trial of causes pending in the County Court of Macon County, at the time that this act takes effect, to the Inferior Court of Macon County, approved June 26, 1935."

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Dodson	Kelly	Shaver
Benson	Espy	Kilborn	Sherrer
Bentley	Henderson	Lawson	Simpson
Carlton	High	Pinson	Smith
Cater	Hill	St. John (Cullman)	Taylor
Cobb	Hornsby	St. John (Lawrence)	Walton

—23

Nays: —0

Mr. St. John (Cullman) moved that the Senate do now adjourn, which motion was lost.

Yeas, 12; Nays, 17.

Yeas:

Messrs.:	Espy	Hill	St. John (Lawrence)
Black	Garrett	Hornsby	Shaver
Cater	High	St. John (Cullman)	Taylor
Cobb			

—12

Nays:

Messrs.:	Dodson	Lawson	Sherrer
Benson	Goodwin	Madison	Simpson
Bentley	Henderson	McCary	Smith
Bradford	Kilborn	Pinson	Walton
Carlton			

—17

NOTICE TO POSTPONE MOTION TO RECONSIDER

Mr. Kilborn gave notice that he would postpone further consideration of his motion made on yesterday to reconsider the vote by which the bill:

S. 44. To prohibit the indisicriminate disclosure of certain records filed with the state registrar of vital statistics and local custodians of birth and death certificates.

Passed the Senate on yesterday, which motion was carried over until today, until the thirty-sixth day.

RESOLUTIONS

The Rules Committee offered the following Senate joint resolution, to-wit:

S. J. R. 43. Be it resolved by the Senate, the House concurring, that when the two bodies adjourn today, they adjourn to meet Monday, June 7, 1943 at 2:00 P. M.

Which was adopted.

The Rules Committee offered the following Senate resolution, to-wit:

S. R. 44. Be it resolved by the Senate the following bills be set as special orders at the call of the calendar on the next Legislative day:

Local Bills: Senate Bill 231, HB-87 HB-328, HB-115, HB-62, SB-3, SB-257, HB-287, SB-132, SB-135, HB-138, SB-223, SB-224.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:
The House has passed the following Senate bill:

S. 240. To Provide Armory Drill Pay for Members of the Temporary Military Force of the State of Alabama; to Prescribe the Condition under and the Manner in which it shall be paid.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,
Clerk.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:
Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bill with the original and engrossed bill, respectively, and finds same correctly Enrolled, to-wit:

S. 137. To authorize and create an additional judge of the Fourth Judicial Circuit of Alabama and to provide for his election, jurisdiction, powers, authority and qualifications, to render him liable to all the pains and penalties of the other Circuit Judges of the State, and to provide for the salary of said judge.

Sam High,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Pill (by request):

H. 510. To amend the following Sections of Chapter 2 of Title 46 of the 1940 Code of Alabama, viz: Sections 8, 9, 13, 14, 15 and 19.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee as follows:

H. 510, to the Committee on Privileges and Elections.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills:

S. 173. To protect persons acting in good faith under or in reliance upon written power of attorney executed and acknowledged by person in the Armed Forces or Military Service of the United States; or by person who departs from the United States by permission or direction of any Department or Official of the United States in connection with work relating to the prosecution of the War.

Also:

S. 203. To amend Section 68 of Title 35 of the Code of Alabama of 1940.

Also:

S. 175. To regulate bank deposits made by any person in trust for another, and to permit payment thereof to person for whom deposit was made, whether adult or minor, upon death of trustee, when no other or further notice of existence and terms of legal and valid trust shall have been given in writing to and received by bank.

Also:

S. 176. Concerning statements of account between bank or trust company and depositor, and fixing a limit of time for questioning the correctness thereof.

Also:

S. 177. To regulate and authorize time and method for presentment, acceptance, dishonor, notice of dishonor and protest of negotiable instruments and checks; and to permit banks in possession or custody of such instrments or checks to handle according to current bank custom; and to permit banks at or by which they are payable to retain same until close of business day next following receipt without constituting acceptance; and to prescribe a method of dishonor of such instruments and checks; and to permit dishonor, protest and return of such instruments and checks on business day next after their receipt.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate joint resolution:

By Rules Committee:

S. J. R. 43. Be it resolved by the Senate, the House concurring, that when the two bodies adjourn today, they adjourn to meet Monday, June 7, 1943 at 2:00 P.M.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Locke:

H. 472. To provide for the acceptance, collection, and distribution of payments in lieu of taxes made to the State by the United States, or any department, agency, or instrumentality thereof, engaged in the production of hydroelectric power.

Also:

By Mr. Martin.

H. 520. To amend Section 463 Title 51 of the Code of 1940.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committee as follows:

H. 472 and H. 520, to the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills and returns same herewith to the Senate.

S. 279. To fix the compensation or salary to be paid the tax collector of Montgomery County, Alabama, and to regulate the payment of same, to provide for the selection of clerical help and other assistance to said officer and the manner of fixing his compensation and paying the same, and to provide rules regulations for the payment and conduct of such officer; and to require such officer to pay into the county treasury of said county all costs, charges of courts, fees and commissions authorized by law to be collected by said officer as other monies belonging to said county are paid, except any salary, fees or commissions paid said officer for collecting taxes for any municipality.

S. 278. To fix the salary of the Judge of Probate of Montgomery County, Alabama, and to regulate the payment of same, and to provide for the selection of clerical help and other assistance to said

Judge of Probate, and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such Judge of Probate, and to provide for an ex-officio clerk of the Board of Registrars, and to require said Judge of Probate to pay into the County Treasury of said County, all costs and charges of courts, fees and commissions authorized by law to be collected by said Judge of Probate as other moneys belonging to said County are paid.

S. 263. To allow the Sheriff of Madison County, Alabama, two additional deputy sheriffs to those now provided by law; to fix the maximum salaries of such deputies and to make the same payable out of the General Fund of Madison County, Alabama, in monthly installments; to fix their tenure of office and provide for their duties; and to provide that the Sheriff of Madison County, Alabama, shall perform the duties required of him by Section 186 of Title 13 and by Section 9 of Title 54 Code of Alabama 1940 without fees, charges or expense to the County.

R. T. Goodwyn, Jr.,
Clerk.

BILL ON THIRD READING RESUMED

The bill:

H. 495. To amend Section 154, of Title 41, of the 1940 Code of Alabama.

Was taken up.

Mr. Kilborn offered the following amendment to the bill, to-wit:

Amend Section 1 of H. B. # 495 to read as follows:

"Section 1. That Section 154 of Title 41 of the 1940 Code of Alabama be and the same is hereby amended to read as follows:

Section 154: "LIMITATION OF PER DIEM EXPENSES" The maximum amount allowable to persons traveling in the service of the State of Alabama or any of its agences, institutions, boards, bureaus, or commissions for expenses other than actual expenses of traveling shall not be more than $4.00 per diem while traveling within the State of Alabama except the governor, in a particular instance, may authorize the expenditure of more than $4.00 while traveling within the state. Persons traveling in the service of the State of Alabama or any of its agencies, institutions, boards, bureaus or commissions outside of the State of Alabama shall be allowed their actual and necessary expenses, provided such travel shall have first been duly authorized in writing by the directing head of the department, agency, board, bureau, or commission.

Which was lost.

Yeas, 14; Nays, 14.

Yeas:

Messrs.:	Henderson	McCary	Simpson	
Cater	Hill	St. John (Cullman)	Smith	
Cobb	Kilborn	St. John (Lawrence)	Taylor	
Espy	Madison	Shaver		—14

Nays:

Messrs.:	Bradford	Goodwin	Lawson	
Benson	Carlton	High	Pinson	
Bentley	Dodson	Hornsby	Walton	
Black	Garrett	Kelly		—14

Mr. St. John (Lawrence) moved that further consideration of the bill be postponed until the thirty-sixth day.

Mr. Walton moved to lay on the table the motion to postpone until the thirty-sixth day, which motion prevailed.

ADJOURNMENT

At 12:30 P. M. on motion of Mr. Hill, and in accordance with Joint resolution heretofore adopted, the Senate adjourned until Monday, June 7, 1943, at 2 o'clock P. M.

Yeas, 18; Nays, 10.

Yeas:

Messrs.:	Dodson	Hornsby	St. John (Lawrence)	
Benson	Espy	Kilborn	Shaver	
Bradford	Garrett	Lawson	Smith	
Cater	Goodwin	Madison	Taylor	
Cobb	Hill	St. John (Cullman)		—18

Nays:

Messrs.:	Carlton	Kelly	Simpson	
Bentley	Henderson	McCary	Walton	
Black	High	Pinson		—10

THIRTY-FIFTH DAY

(The Senate was not in session on the Thirty-third and Thirty-fourth Days)

Monday, June 7, 1943.

The Senate met pursuant to adjournment, Lieutenant-Governor Ellis presiding.

ROLL CALL

Present:

Messrs.:	Espy	Kelly	St. John (Lawrence)
Benson	Garrett	Kilborn	Shaver
Bentley	Goodwin	Lawson	Sherrer
Black	Henderson	Madison	Simpson
Bradford	High	McCary	Smith
Carlton	Hill	Newton	Taylor
Cater	Hornsby	Pinson	Walton
Cobb			

—28

JOURNAL

On motion of Mr. Carlton, the reading of the Journal of the thirty-second day was dispensed with and same approved by the Senate.

JOINT SESSION

At 2:30 P. M., the Senate assembled in the hall of the House of Repreesntatives for the purpose of hearing the address of Honorable Wendell Willkie.

The purposes of the joint session having been accomplished, the Senate retired to its Chamber.

ROLL CALL

Present:

Messrs.:	Espy	Kelly	St. John (Lawrence)
Benson	Garrett	Kilborn	Shaver
Bentley	Goodwin	Lawson	Sherrer
Black	Henderson	Madison	Simpson
Bradford	High	McCary	Smith
Carlton	Hill	Newton	Taylor
Cater	Hornsby	Pinson	Walton
Cobb			

—28

LEAVE OF ABSENCE

On motion of Mr. Shaver, leave of absence was granted Mr. St. John (Cullman) for today.

MESSAGE FROM THE SENATE

Mr. President:

The House has passed the following Senate bill and returns same herewith to the Senate.

By Mr. Lawson:

S. 171. To regulate bank deposits in two names, and to permit payment thereof, and any interest and dividends thereon, to either party whether the other be living or dead; and to define right of survivor therein.

R. T. Goodwyn, Jr.,
Clerk.

MESSAGE FROM THE SENATE

Mr. President:

The House has concurred in and adopted the Senate amendment to the resolution:

H. J. R. 46. Condemning and denouncing the unpatriotic and un-American action of John L. Lewis.

R. T. Goodwyn, Jr.,
Clerk.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bills with the original and engrossed bills, respectively, and finds same correctly enrolled, to-wit:

S. 113. To amend Section 187 of Title 5 of the 1940 Code of Alabama.

Also:

S. 116. To amend Section 115 of Title 41 of the 1940 Code.

Also:

S. 158. To regulate notice of adverse claim to a bank deposit and to prescribe requirements, including indemnity bond, and the procedure necessary to make such claim effective or cause recogni-

tion of adverse claim; and exempting from application of Act deposits standing in name of person who is a fiduciary for adverse claimant, if that fact and reasonable cause to believe fiduciary is about to misappropriate deposit are made to appear by affidavit of such claimant.

Also:

S. 159. To amend Title 5, Section 82, of the Code of Alabama of 1940, so as to include as exempt from its provisions loans or obligations secured or covered by guaranties, commitments or agreements to take over or purchase the same, made by any Federal Reserve Bank or by the United States, or any Department, Board, Bureau, Commission or agency thereof, or corporation wholly owned directly or indirectly by the United States.

Also:

S. 173. To protect persons acting in good faith under or in reliance upon written power of attorney executed and acknowledged by person in the Armed Forces or Military Service of the United States; or by person who departs from the United States by permission or direction of any Department or Official of the United States in connection with work relating to the prosecution of the War.

Also:

S. 175. To regulate bank deposits made by any person in trust for another, and to permit payment thereof to person for whom deposit was made, whether adult or minor, upon death of trustee, when no other or further notice of existence and terms of legal and valid trust shall have been given in writing to and received by bank.

Also:

S. 176. Concerning statements of account between bank or trust company and depositor, and fixing a limit of time for questioning the correctness thereof.

Also:

S. 177. To regulate and authorize time and method for presentment, acceptance, dishonor, notice of dishonor and protest of negotiable instruments and checks; and to permit banks in possession or custody of such instruments or checks to handle according to current bank custom; and to permit banks at or by which they are payable to retain same until close of business day next following receipt without constituting acceptance; and to prescribe a method of dishonor of such instruments and checks; and to permit dishonor, protest and return of such instruments and checks on business day next after their receipt.

Also:

S. 203. To amend Section 68 of Title 35 of the Code of Alabama of 1940.

Also:

S 240. To Provide Armory Drill Pay for Members of the Temporary Military Force of the State of Alabama; to Prescribe the Condition under and the Manner in which it shall be paid.

Also:

S. 263. To allow the Sheriff of Madison County, Alabama, two additional deputy sheriffs to those now provided by law; to fix the maximum salaries of such deputies and to make the same payable out of the General Fund of Madison County, Alabama, in monthly installments; to fix their tenure of office and provide for their duties; and to provide that the Sheriff of Madison County, Alabama, shall perform the duties required by him by Section 186, of Title 13 and by Section 9 of Title 54 Code of Alabama 1940 without fees, charges or expense to the County.

Also:

S. 279. To fix the compensation or salary to be paid the tax collector of Montgomery County, Alabama, and to regulate the payment of same, to provide for the selection of clerical help and other assistance to said officer and the manner of fixing his compensation and paying the same, and to provide rules and regulations for the payment and conduct of such officer; and to require such officer to pay into the county treasury of said county all costs, charges of courts, fees and commissions authorized by law to be collected by said officer as other monies belonging to said county are paid, except any salary, fees or commissions paid said officer for collecting taxes for any municipality.

Also:

S. 278. To fix the salary of the Judge of Probate of Montgomery County, Alabama, and to regulate the payment of same, and to provide for the selection of clerical help and other assistance to said Judge of Probate, and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such Judge of Probate, and to provide for an ex-officio clerk of the Board of Registrars, and to require said Judge of Probate to pay into the County Treasury of said County, all costs and charges of courts, fees and commissions authorized by law to be collected by said Judge of Probate as other moneys belonging to said County are paid.

Also:

S. 171. To regulate bank deposits in two names, and to permit payment thereof, and any interest and dividends thereon, to either party whether the other be living or dead; and to define right of survivor theerin.

Sam High,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Mr. McCary:

S. 325. To amend Section 30 of Title 19 of the Code of Alabama of 1940.

Committee on Judiciary.

By Mr. Kelly:

S. 326. To propose an amendment to repeal Atricle XV, Sections 271, 272, 273, 274, 275, 276, 277, and 278 of the Constitution of Alabama, to substitute certain provisions therefor, and to order an election for the qualified electors of the State of Alabama upon the proposed amendment to be held on the first Tuesday after the end of three months from the final adjournment of the present session of the Legislature.

Committee on Constitution and Constitutional Revision and Amendments.

The above bill was read one time at length as required by the Constitution.

By Mr. Kelly:

S. 327. To propose an amendment to repeal Article V, Section 131 of the Constitution of Alabama, and to order an election for the qualified electors of the State of Alabama upon the proposed amendment to be held on the first Tuesday after the end of three months

from the final adjournment of the present session of the Legislature.

Committee on Constitution and Constitutional Revision and Amendments.

The above bill was read one time at length as required by the Constitution.

By Mr. Simpson:

S. 328. To amend Section 151, 152, 158, 159, 160, 164 and 166 of Title 46 of the 1940 Code of Alabama relating to Medical Technicians.

Committee on Public Health.

By Mr. Madison:

S. 329. To create in all cities in the State of Alabama which have a population exceeding twenty-six thousand not exceeding thirty-six thousand inhabitants according to the latest federal decennial census, or which shall have such population according to any such census that may be taken hereafter, a fund to be known as Firemen's and Policemen's Pension and Relief Fund for the benefit and relief of disabled, sick, retired and other members of such fire and police departments and the widows, certain of the minor children and dependent widowed mothers of certain deceased members of the fire and police departmnts of such cities, and to provide for the use, management, control, and administration of such funds; to provide for the raising of such funds and the sources thereof; to provide for the payment into such funds of a proportion of the monthly salary of such members of the fire departments and police departments of such cities as are eligible to participate in the benefits of such funds; to provide for the payment into such funds of a certain percentage of the gross premiums, less returned premiums, received by fire insurance companies, including mutual and industrail fire insurance companies, doing business within such cities, and for making a sworn report by such fire insurance companies of such premiums to the Board of Trustees of such funds, and to prescribe the penalty for failure to make such payments and report, and for enforcing such penalty; to provide for sworn statements to be made to the city clerks of such cities by all persons, firms, or corporations which conduct a fire insurance agency or brokerage business within such cities, and to prescribe the penalty for failure to make and file such statements and for enforcing such penalty; to provide for the payment into such funds certain witness fees and certain rewards and gratuities received by firemen and policemen; to provide for the payment into such funds of all liquor seizure fees and all amounts received by the City from the Alcohol Beverage

Control Board for confiscated liquors; to authorize the Board of Trustees to accept money and property for said funds; to authorize the governing bodies of such cities to make appropriations to such fund out of the city treasury; to create in such cities a Board of Trustees of such Firemen's and Policemen's Pension and Relief Fund; to provide for the organization of such Board of Trustees and to designate certain members of said Board and provide the time and method of electing the remaining members thereof and their term of office; to designate and provide for the selection of officers and agents of said Board; to declare the said Board of Trustees the trustees of such funds; to prescribe the powers, authority and duties of such Board of Trustees, its officers and agents; to provide for the pensioning and relief of disabled, sick, retired and other members of such fire departments and police departments and the widows, certain minor children, and dependent widowed mothers of certain deceased members thereof; to provide for the retirement and reinstatement of members of such fire and police departments; to prescribe the duties of the city attorney and city physician in connection with said Board of Trustees and said funds; to provide for medical examination and diagnosis of the physical and mental condition of such members of fire and police departments; to provide that no person shall have any vested or contractual rights in said fund, but that such fund shall be held subject to the power of the Legislature; to designate the treasurer of such fund and his duties; to provide that said fund and all benefits received therefrom shall be exempt from levy, execution, garnishment, attachment or seizure of any kind; to provide the time of taking effect of this Act.

Committee on Municipalities and Municipal Organizations.

By Mr. Carlton:

S. 330. To provide for the investment in United States Government Bonds of funds held in trust pursuant to the provisions of the Income Tax Amendment to the Constitution of Alabama for the payment of State of Alabama Refunding Bonds dated July 1, 1935.

Committee on Finance and Taxation.

By Mr. Cater:

S. 331. To amend Section 15 of an Act entitled "An Act to create, establish and regulate an Inferior Court or Court of Common Pleas for the County of Montgomery; to provide and define the jurisdiction of said Court, and the terms thereof; to provide for the judge and officers of such Court, and their powers, duties and compensation; to fix the term of office for such judge, and to fix the fees and costs for such Court; to provide rules of procedure

for said Court, and for the operation thereof; and for the transfer of cases to the Court hereby created; and to provide for registering, and in lien of its judgments; and to abolish justices of the peace in all precincts lying within or partly within the City of Montgomery." Ap. Mch. 15, 1939.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

is hereby given that a bill will be introduced in the Legislature of Alabama, in the 1943 Session thereof, which bill is in substance as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 15 of an act entitled "An Act to create establish and regulate an Inferior Court or Court of Common Pleas for the County of Montgomery; to provide and define the jurisdiction of said Court, and the terms thereof; to provide for the judge and officers of such Court, and their powers, duties and compensation; to fix the term of office for such judge, and to fix the fees and costs for such Court; to provide rules of procedure for said Court, and for the operation thereof; and for the transfer of cases to the court hereby created; and to provide for registering, and in lien of its judgments; and to abolish justices of the peace in all precincts lying within or partly within the City of Montgomery." Ap. Mch. 15, 1939.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That section 15 of an act entitled "An Act to create, establish and regulate an Inferior Court or Court of Common Pleas for the County of Montgomery; to provide and define the jurisdiction of said Court, and the terms thereof; to provide for the judge and the officers of such Court, and their powers, duties and compensation; to fix the term of office for such judge, and to fix the fees and costs for such Court; to provide rules of procedure for said Court, and for the operation thereof; and for the transfer of cases to the court hereby created; and to provide for registering, and in lien of its judgments; and to abolish justices of the peace in all precincts lying within or partly within the City of Montgomery." Ap. Mch 15, 1939, be and the same is hereby amended to read as follows: Section 15. That the judge of said court shall appoint a deputy clerk of said court who shall hold office in like manner and for the same term as the clerk of said court. Such deputy clerk shall have and exercise all the rights, duties and powers of the clerk of said court, and he or she shall give bond conditioned and payable as the bond of the clerk of said court, which bond shall be in the penal sum of Two Thousand Dollars, and filed in the office of the Judge of Probate of Montgomery County and approved by him. The premiums on the bonds of the clerk and the deputy clerk shall be paid by the county of Montgomery. The deputy clerk shall receive a salary of Twenty-one Hundred Dollars per annum, payable in monthly installments out of the general fund of the treasury

of Montgomery County, upon the certificate of the judge of said court that he or she has performed the duties of his or her office for such time.

Section 2. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

Section 3. That this act shall become effective upon its passage and approval by the Governor.

May 13-20-27, June 3, 1943

PROOF OF PUBLICATION

STATE OF ALABAMA,
MONTGOMERY COUNTY.

Before me, Evans Hinson, a Notary Public, in and for said State and County aforesaid, personally appeared Frank Nunnellee Publisher of The Montgomery Weekly, and after being duly sworn by me, deposes and says that the attached Legal Notice was published in The Montgomery Weekly for 4 consecutive weeks, as follows: May 13, 20, 27 and June 3, 1943.

That The Montgomery Weekly is a weekly newspaper of general circulation in Montgomery County, Alabama; That it is entered in the Postoffice at Montgomery, Alabama as second-class mailing matter; That it has been published for 52 consecutive weeks prior to the publication of this legal notice.

(Signed) FRANK NUNNELEE,
Publisher.

Sworn to and subscribed before me, this 4th day of June, 1943.

(Signed) EVANS HINSON,
Notary Public.

By Mr. Cater:

S. 332. To Fix the Salary of the Clerk of the Court of Common Pleas of Montgomery.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that a bill will be introduced for passage in the present session of the Legislature of Alabama which is in substance as follows:

A Bill to be entitled An Act to fix the Salary of the Clerk of the Court of Common Pleas of Montgomery.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the salary of the Clerk of the Court of Common Pleas of Montgomery shall be three thousand dollars per annum payable in monthly installments out of the general fund of the Treasury of Montgomery County, upon warrants drawn upon the certificate of the Judge of said Court that said Clerk has performed the duties of his office for such month.

Section 2. That this Act shall become effective upon its passage and approval by the Governor.

Section 3. That all laws and parts of laws in conflict with the provisions of this Act be and he same are hereby expressly repealed. May 13-20-27, June 3, 1943

PROOF OF PUBLICATION

STATE OF ALABAMA,
MONTGOMERY, ALABAMA.

Before me, Mildred C. Eley, a Notary Public, in and for said State and County aforesaid, personally appeared Frank Nunnelee, Publisher of The Montgomery Weekly, and after being duly sworn by me, deposes and says that the attached Legal Notice was published in The Montgomery Weekly for 4 consecutive weeks, as follows: May 13, 20, 27, June 3, 1943.

That The Montgomery Weekly is a weekly newspaper of general circulation in Montgomery County, Alabama; That it is entered in the Postoffice at Montgomery, Alabama as second-class mailing matter; That it has been published for 52 consecutive weeks prior to the publication of this legal notice.

(Signed) FRANK NUNNELEE,
Publisher.

Sworn to and subscribed before me, this 3 day of June 1943.

(Signed) MILDRED C. ELEY,
Notary Public.

REPORTS OF COMMITTEES

Mr. Shaver, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Jones (with substitute):

S. 41. To amend Sections 19, 21, 22, 24, 25, 26, 27, 33, 34, 37, 38, 39, 40 and 42 of Title 22 of the 1940 Code of Alabama, all relating to public health.

By Mr. Cobb:

S. 191. To provide for the keeping in secrecy of the names and identities of persons drawn or summoned for jury service in Circuit Courts and or Inferior Courts of record, and to prescribe penalties and punishments for violations of the provisions of this act.

By Mr. Kilborn:

S. 198. To repeal Section 163, of Title 55, Code of Alabama, 1940.

By Mr. Hill:

S. 280. To empower the registers of the circuit court to re-open biddings received on the sale of lands made under orders and decrees of such courts and close the re-opening of such biddings, and report their actions to the court for confirmation.

By Mr. Hill:

S. 281. To amend Section 5, Title 7, Code of Alabama, 1940.

By Mr. Simpson (with amendment):
S. 287. To amend section 198 of title 17 of the Alabama Code of 1940.

By Mr. Simpson:
S. 288. To amend Section 226, Title 17, Code 1940.

By Mr. Carnley:
H. 10. To amend Section 24 of Title 11 of the Code of Alabama of 1940.

Mr. Shaver, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with an adverse report, and it was read a second time and placed on the adverse calendar, to-wit:

By Mr. Carnley:
H. 12. To repeal Section 26 of Title 11 of the Code of Alabama of 1940.

RESOLUTIONS

Mr. Taylor offered the following Senate joint resolution, to-wit:

S. J. R. 45. BE IT RESOLVED BY THE SENATE, the House concurring that Senate Joint Resolution No. 19, which has been adopted by both Houses of the Legislature of Alabama, be designated as the Madison-Sullivan Resolution.

And on motion of Mr. Taylor, the rules were suspended and the resolution adopted.

The Rules Committee offered the following Senate resolution, to-wit:

S. R. 46. WHEREAS, there is now pending before the Legislature of Alabama—Senate Bill No. 330, which authorizes the investment in United States Goverment Bonds of funds held in trust pursuant to the provisions of the Income Tax Amendment to the Constitution of Alabama (Article XXII, Amendment No. XXV) for the payment of State of Alabama Refunding Bonds dated July 1, 1935;

THEREFORE, be it
RESOLVED by the Senate of the State of Alabama;

That the Chief Justices and Associate Justices of the Supreme Court of Alabama or a majority of them are hereby requested to render to this body their written opinion as provided under Title

13, Article 3 of the Code of Alabama as to whether the said Bill, a copy of which is hereto attached and made a part hereof, violates or is in conflict with any provision of the Constitution of the State of Alabama, particularly Article XXII and Article XXIII thereof, or with any provision of an Act of the Legislature of Alabama approved April 17, 1933 (Act No. 177, General and Local Acts of Alabama, Extra Session 1933, page 189), or with any provision of an Act of the Legislature of Alabama approved February 8, 1935 (Act No. 50, General Acts of Alabama, Regular Session 1935, page 118).

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment.

By Mr. Petrey:

H. 591. To repeal an Act entitled "An Act to require the Court of County Commissioners, County Treasurer and County Depository of Crenshaw County, Alabama to set aside each year out of the general fund of the County twenty-five per cent of the amount received by said general fund each year, and which said twenty-five per cent shall be paid to the holders and owners of warrants now outstanding against said general fund in the order of their registration and in the priority of their payment".

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that a bill will be introduced for passage at the next session of the legislature of the State of Alabama to repeal in its entirety that certain act entitled an act "To require the Court of County Commissioners, County Treasurer and County Depository of Crenshaw County, Alabama, to set aside each year out of the general fund of the County twenty-five per cent of the amount received by said general fund each year, which said twenty-five per cent shall be paid to the holders and owners of warrants now outstanding against said general fund in the order of their registration and in the priority of their payment," which said act was approved June 29th, 1931. 12—4tc.

STATE OF ALABAMA,
CRENSHAW COUNTY.

Before me the undersigned Notary Public personally came J. M. McLendon, who being duly sworn says upon oath that he is Associate Publisher of a newspaper published at Luverne, Crenshaw County, Alabama, known as

The Luverne Journal & News, and that the notice of publication, a true copy of which is hereto annexed, and being entitled:

NOTICE

was published in said newspaper, once a week for 4 consecutive weeks, to-wit in the issues of said newspaper dated:
March 24, 1943 (1)
March 31, 1943 (2)
April 7, 1943 (3)
April 14, 1943 (4)

J. M. McLENDON.

SWORN AND subscribed to before me this 31st day of May 1943.

HORTON H. LITTLE,
Notary Public.

Feb. 21, 1945, My Commission Expires.

Also:

By Mr. Petrey:

H. 592. To validate the unfunded indebtedness of the Crenshaw County Board of Education and to provide for the payment of said indebtedness.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that a bill will be introduced for consideration enactment at the next legislature of Alabama, which the substance of the proposed bill will be as follows: A bill to be entitled an Act to validate the unfunded debts of Crenshaw County Board of Education which were outstanding and unpaid on September 30, 1942, which said debts are to become legal and binding obligation of the Crenshaw County Board of Education and said debts shall have a claim on the revenues of said board equal to that of all other validated unfunded debts, and shall be junior in lieu to school warrants heretofore and hereafter issued by the said board which are secured by pledge of the special county or district school taxes and the necessary expenses of operating schools for the State required minimum term as approved by the State Superintendent of Education but otherwise to be a prior lien of all other revenues of the said board of education. Said Crenshaw County Board of Education is required to py each fiscal year beginning October 1, 1943, one-seventh of each of its unfunded debts which is being validated by this act, but without interest on same, and the said board of education shall before October 1, 1943, furnish each of its creditors a statement of the amount owed such creditor as is validated by this proposed bill, and said statement shall contain a promise to pay said amount owned to such creditor in the manner above stated. 3/31/43, 4tc.

STATE OF ALABAMA,
CRENSHAW COUNTY.

Before the undersigned Notary Public personally came J. M. McLendon, who being duly sworn says upon oath that he is Associate Publisher of a

newspaper published at Luverne, Crenshaw County, Alabama, known as The Luverne Journal & News, and that the notice of publication, a true copy of which is hereto annexed, and being entitled:

NOTICE

was published in said newspaper, once a week for 4 consecutive weeks, to-wit in the issues of said newspaper dated:
March 31, 1943. (1)
April 7, 1943. (2)
April 14, 1943. (3)
April 21, 1943 (4)

J. M. McLENDON,

SWORN AND subscribed to before me this 29th day of May 1943.

OPAL M. FOWLER,
Notary Public.

8/8/45, My Commission Expires.

Also:

By Mr. Bagley:

H. 609. To Authorize the County Commission of Calhoun County, Alabama, or other like governing body, to pay the premiums on all Calhoun County depository bonds authorized by Title 12, Article 11 of the Code of Alabama, and to ratify the payment of such premiums already made.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that a bill will be introduced in the next regular session of the legislature, in substance as follows:

A BILL
TO BE ENTITLED
AN ACT

TO Authorize the County Commission of Calhoun County, Alabama, or other like governing body, to pay the premiums on all Calhoun County depository bonds authorized by Title 12, Article II of the Code of Alabama, and to ratify the payment of such premiums already made.

Be It Enacted By The Legislature Of Alabama:

Section 1. That the premiums on all Calhoun County depository bonds provided for or authorized in Title 12, Article II of the Code of Alabama, when made by surety or bonding companies, may be paid by the County Commission of Calhoun County, Alabama out of the general funds of said County, and all such premiums already paid or authorized by the County Commission of said county, are hereby ratified and approved.
Apr. 30—May 7-14-21.

Anniston, Ala.

Personally appeared before me Ralph W. Callahan, who, being duly sworn, makes oath that he is Business Manager of The Anniston Star, a daily

newspaper published in Anniston, Ala., and that the attached notice was published on the following dates: April 30, May 7-14-21, 1943.

RALPH W. CALLAHAN,

Sworn to and subscribed before me this 22 day of May, 1943.

CLARA B. WRIGHT,
Notary Public.

Also:

By Mr. Bagley:

H. 610. To repeal "An Act to Establish the Office of Road Engineer in and for the County of Calhoun. To Prescribe his Qualifications and Duties and Fix his salary and Provide for the Method of his Election and Appointment," approved September 13, 1939.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that a Bill will be introduced in the next Regular Session of the Legislature of Alabama, in substance as follows:

A BILL
TO BE ENTITLED
AN ACT

To repeal "An Act to Establish the Office of Road Engineer in and for the County of Calhoun. To Prescribe his Qualifications and Duties and Fix his salary and Provide for the Method of his Election and Appointment," approved September 13, 1939.

Be It Enacted By The Legislature Of Alabama:

Section 1: That an Act to established the Office of Road Engineer in and for the County of Calhoun. To Prescribe his Qualifications and Duties nad Fix his salary and Provide for the Method of his Election and Appointment, approved September 13, 1939, and appearing on pages 254, 255 and 256 of the Local Acts of the Legislature of Alabama of 1939, and all the provisions of said Act, be and the same are hereby repealed.

April 19-26, May 3-10

Anniston, Ala.

Personally appeared before me Ralph W. Callahan, who, being duly sworn, makes oath that he is Business Manager of The Anniston Star, a daily newspaper published in Anniston, Ala., and that the attached notice was published on the following dates, April 19-26, May 3-10, 1943.

RALPH W. CALLAHAN.

Sworn to and subscribed before me this 22 day of May, 1943.

CLARA B. WRIGHT,
Notary Public.

Also:

By Mr. Chichester:

H. 548. To amend Section 12 of an Act to create and establish an inferior court of criminal and civil jurisdiction for that part of Jefferson County, Alabama, included within Precincts 29, 45, 52 and 53, as now constituted, in lieu of all justices of peace and inferior courts created in said precincts and notaries public ex officio justices of peace within said precincts; to define the jurisdiction and powers of said court; to provide for the judge, clerks and other officers; their appointment, duties and compensation; to provide for a place for holding said court, the terms and salaries of said judge and other officers of said court, and otherwise to provide for said court, approved November 3, 1932.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that the following bill will be introduced at the 1943 session of the Legislature of Alabama.

A BILL
TO BE ENTITLED
AN ACT

To amend Section 12 of an Act to create and establish an inferior court of criminal and civil jurisdiction for that part of Jefferson County, Alabama, included within Precincts 29, 45, 52 and 53, as now constituted, in lieu of all justices of peace and inferior courts created in said precincts and notaries public ex officio justices of peace within said precincts; to define the jurisdiction and powers of said court; to provide for the judge, clerks and other officers; their appointment, duties and compensation; to provide for a place for holding said court, the terms and salaries of said judge and other officers of said court, and otherwise to provide for said court, approved November 3, 1932.

Be it enacted by the Legislature of Alabama that Section 12 of an Act to create and establish an inferior court of criminal and civil jurisdiction for that part of Jefferson County, Alabama, included within Precincts 29, 45, 52 and 53, as now constituted, in lieu of all justices of peace and inferior courts created in said precincts and notaries public ex officio justices of peace within said precincts, to define the jurisdiction and powers of said court; to provide for the judge, clerks and other officers; their appointment, duties and compensation; to provide for a place for holding said court, the terms and salaries of said judge and other officers of said court, and otherwise to provide for said court, approved November 3, 1932, be and it is hereby amended so as to read as follows:

Section 12. That the judge of the Inferior Court of Ensley hereby created shall receive as compensation for his services as judge of said court, the sum of Four Thousand Dollars per annum, payable in equal monthly installments out of the County Treasury of Jefferson County, Alabama.

This act shall take effect upon its passage and approval by the Governor. The Call—Apr. 24; May 1-8-15, 1943.

AFFIDAVIT

STATE OF ALABAMA,
Jefferson County.

Personally appeared before me, the undersigned authority, Geo. M. Howle, who first being duly sworn by me, deposes and says on oath that he is the Editor for The Weekly Call, a weekly newspaper published in said State and County, and that the notice, a true copy of which is hereto attached, was published in The Weekly Call, once a week for four consecutive weeks, commencing on the 24 day of April, 1943.

GEO. M. HOWLE.

Subscribed and sworn to before me on this the 17 day of May, 1943.

MOLLIE DAFFIN,
Notary Public.

(Seal)

Also:

By Mr. Byars:

H. 608. To authorize the Purchasing Agent of Lawrence County, Alabama to employ a clerk of the Commissioner's Court, Board of Revenue, or other governing body of Lawrence County; to fix his salary, and to provide for his term of office.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF A PROPOSED LOCAL LAW

I expect to introduce a Bill at the regular Session of the Legislature of Alabama, which convenes on Tuesday, May 4th, 1943, in Substance as follows:

AN ACT

To authorize the Purchasing Agent of Lawrence County, Alabama to employ a clerk of the Commissioner's Court, Board of Revenue, or other governing body of Lawrence County; to fix his salary, and to provide for his term of office.

Be It Enacted By The Legislature Of Alabama:

Section 1. That the Purchasing Agent of Lawrence County, Alabama is hereby authorized to employ a clerk for the Board of Revenue, Commissioner's Court, or other governing body of Lawrence County, and to fix his salary at a minimum of not less than $50.00 per month, and not more than $200.00 per month, who shall hold office from month to month until discharged by the Purchasing Agent.

Section 2. That such clerk shall perform such duties as are now required of the Commissioner's Court of Lawrence County.

Section 3. That all laws, or parts of laws, in conflict with the provisions of this Act, are hereby expressly repealed.

Section 4. This Act shall become effective immediately upon its approval by the Governor.

A. S. BYARS,
Representative for Lawrence County.

5-6-4.

STATE OF ALABAMA,
LAWRENCE COUNTY.

Before me, Chas. C. McWhorter, a Notary Public in and for said state and county, personally appeared Clark Hodgins, who being duly sworn, says that he is publisher of The Moulton Advertiser, a weekly newspaper published in Moulton, Lawrence County, Alabama, and as such publisher he published in said newspaper the attached notice for 4 consecutive weeks as follows:

May 6, 1943; May 13, 1943; May 20, 1943; May 27, 1943, as required by law.

CLARK HODGINS,
Publisher.

Sworn to and subscribed before me this the 28 day of May, 1943.

CHAS. C. McWHORTER,
Notary Public.

(Seal)

Also

By Mr. Byars:

H. 607. To divide Lawrence County, Alabama, into four (4) Commissioner's Districts.—To define the boundaries thereof, and to provide for the survey and establishment of permanent boundaries to such Commissioner's District and to provide for the election of the members of the Board of Revenue, or other governing body, for said County by qualified voters of Lawrence County for each of such Commissioner's Districts; to provide that a member from each district shall be nominated and elected by the qualified voters of the entire County of Lawrence.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF A PROPOSED LOCAL LAW

I expect to introduce a Bill at the regular Session of the Legislature of Alabama, which convenes on Tuesday, May 4th, 1943, in substance as follows:

AN ACT

To Divide Lawrence County, Alabama, into four (4) Commissioner's Districts.—To define the boundaries thereof, and to provide for the survey and establishment of permanent boundaries to such Commissioner's District and to provide for the election of the members of the Board of Revenue, or other governing body, for said County by qualified voters of Lawrence County for each of such Commissioner's District; to provide that a member from each district shall be nominated and elected by the qualified voters of the entire County of Lawrence.

Be It Enacted By The Legislature Of Alabama:

Section 1. That Lawrence County, Alabama, be, and is hereby divided into four (4) Commissiner's Districts numbered and called the northeast, northwest, southeast and southwest Commissioner's District of said County.

Section 2. That the northeast district of said county shall be that portion of Lawrence County lying east of the line between Ranges 7 and 8 and north of the section lines which are parallel to and, approximately, one (1) mile south of the line between Townships 5 and 6; that the northwest district of said county shall be that portion of Lawrence County lying west of the line between Ranges 7 and 8 and north of the section lines which are parallel to and, approximately, one (1) mile south of the line between Townships 5 and 6; that the southeast district of said County shall be that portion of Lawrence County lying east of the line between Ranges 7 and 8 and south of the section lines which are parallel to and, approximately, one (1) mile south of the line between Townships 5 and 6; that the southwest district of said County shall be that portion of Lawrence County lying west of the line between 7 and 8 and south of the section lines which are parallel to and, approximately, one (1) mile south of the line between Townships 5 and 6; that the Board of Revenue, or other governing body, of Lawrence County, shall within four years after the approval of this Act cause the lines hereinafter described, to be surveyed and permanently established by the erection of one (1) center concrete post, 1 ft. x 1 ft. and not less than three (3) feet in the ground, said post to be erected where the line between Ranges 7 and 8, and on the section line, approximately, one (1) mile south of the line between Townships 5 and 6, and one (1) post 6" x 6" every mile on the lines between said districts above described; the center post, above described to be permanently marked with arrows pointing north, east, south and west, with letters indicating the directions.

Section 3. That at the Primary election in 1944 and every four (4) years thereafter, the qualified electors of Lawrence County entitled to participate in such Primary shall nominate one County Commissioner for said County of Lawrence for the northeast and northwest districts, and at the general election in 1944, and every four (4) years thereafter, the qualified electors of Lawrence County, Alabama, shall elect one County Commissioner for said County of Lawrence from the northeast and northwest districts who shall be a bona fide resident of the district from which elected, and shall hold office for a period of our (4) years and until his successor is elected and qualiied. At the Primary election in 1946 and every four years thereafter, qualified electors of Lawrence County entitlled to participate in such Primary shall nominate one County Commissioner for said County of Lawrence for the southeast and southwest districts, and at the general election in 1946 and every four years thereafter, the qualified electors of Lawrence County, Alabama, shall elect one County Commissioner for said County of Lawrence from the southeast and southwest districts who shall be a bona fide resident of the district from which elected, and shall hold office for a period of four years and until his successor is elected and qualified.

Section 4. That the County Commissioner from each of said districts shall be nominated and elected as provided in this Act by the qualified electors of the entire County of Lawrence, each qualified elector being entitled to vote for a commissioner from each district from which a commissioneer is to be nominated and elected at such Primary or such election.

Section 5. That this Act shall not affect the right and tenure of office of the Members of the present County Commisisoners of said County, but said Commissioners shall continue to hold and discharge their duties of said office as now is incumbent upon them and as may be made incumbent upon them as provided by law and until their successors are elected and qualified under this Act.

Section 6. If any section or provisions of this Act shall be declared void or unconstitutional, it shall not affect or destroy the validity or con-

stitutionality of any other section or provision which is not in and of itself void or unconstutional.

Section 7. That all laws or parts of laws not in conflict with the provisions of this Act shall remain in full force and effect. That all laws or parts of laws, general, local or special, in conflict with the provisions of this Act, be and the same are hereby repealed.

Section 8. This Act shall be in full force and effect from and after its approval by the Governor.

A. S. BYARS,
Representative from Lawrence County.

4-29-4.

STATE OF ALABAMA,
LAWRENCE COUNTY.

Before me, Chas. C. McWhorter a Notary Public in and for said state and county, personally appeared Clark Hodgins, who being duly sworn, says that he is publisher of The Moulton Advertiser, a weekly newspaper published in Moulton, Lawrence County, Alabama, and as such publisher he published in said newspaper the attached notice for 4 consecutive weeks as follows:

April 29, 1943; May 6, 1943; May 13, 1943; May 20, 1943, as required by law.

CLARK HODGINS,
Publisher.

Sworn to and subscribed before me this the 28th day of May, 1943.

CHAS. C. McWHORTER,
Notary Public.

(Seal)

Also:

H. 606. To create the office of Purchasing Agent of Lawrence County, Alabama, and to provide that the Probate Judge of Lawrence County, Alabama, shall be ex officio Purchasing Agent of Lawrence County, to fix his salary, provide for his term of office and to define his duties and authorities; to provide that all material, merchandise, stationery, office supplies, equipment, and all material of every kind whatsoever, shall be purchased by the Purchasing Agent of Lawrence County, Alabama, and further, to provide that the Board of Revenue of Lawrence County, or other governing body of Lawrence County, or any other person shall have no authority to bind Lawrence County for any purchases, except those made through and approved by the Purchasing Agent of Lawrence County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF A PROPOSED LOCAL LAW

I expect to introduce a Bill at the regular Session of the Legislature of Alabama, which convenes on Tuesday, May 4th, 1943, in Substance as follows:

AN ACT

To create the office of Purchasing Agent of Lawrence County, Alabama, and to provide that the Probate Judge of Lawrence County, Alabama, shall be ex officio Purchasing Agent of Lawrence County, to fix his salary, provide for his term of office and to define his duties and authorities; to provide that all material, merchandise, stationery, office supples, equipment, and all material of every kind whatsoever, shall be purchased by the Purchasing Agent of Lawrence County, Alabama, and further, to provide that the Board of Revenue of Lawrence County, or other governing body of Lawrence County, or any other person shall have no authority to bind Lawrence County for any purchases, except those made through and approved by the Purchasing Agent of Lawrence County, Alabama.

Be It Enacted By The Legislature Of Alabama:

Section 1. That there is hereby created in and for Lawrence County, Alabama, the office of Purchasing Agent.

Section 2. That the Probate Judge of Lawrence County, Alabama, shall be, after the passage and approval of this Act, ex Officio Purchasing Agent of Lawrence County; that for such services as such Purchasing Agent he shall be paid out of the general fund of Lawrence County, Alabama, the sum of One Hundred Dollars ($100.00) per month.

Section 3. That the Purchasing Agent of Lawrence County, Alabama, shall have complete charge and the sole power and authority to purchase merchandise, material and supplies for Lawrence County, Alabama; that all merchandise, stationery, office supplies, equipment, road material, all other goods, wares or merchandise purchased for Lawrence County, or in the name of, or for the benefit of Lawrence County, shall be purchased by the Purchasing Agent, and the Board of Revenue of Lawrence County, or other governing body, or any other person, shall have no authority to bind Lawrence County for the purchase of any material, goods, wares and merchandise whatsoever, except upon the order given and signed by the Purchasing Agent of Lawrence County; that Lawrence County shall not be bound by purchases made by any other person, or body of persons, for anything purchased, whether it be necessaries of Lawrence County or not, unless such purchase is approved in writing by the Purchasing Agent of Lawrence County.

Section 4. The term of office of the Purchasing Agent shall be the same as the Probate Judge of Lawrence County, Alabama.

Section 5. That all laws, or parts of laws, heretofore enacted, giving any officer or official, or governing body of Lawrence County, or any member thereof, authority to purchase goods, wares, merchandise or material of any kind for Lawrence County, and to bind Lawrence County in the premises, are hereby expressly repealed.

A. S. BYARS,
Representative for Lawrence County.

5-6-4.

STATE OF ALABAMA,
LAWRENCE COUNTY.

Before me, Chas. C. McWhorter a Notary Public in and for said state and county, personally appeared Clark Hodgins, who being duly sworn, says that he is publisher of The Moulton Advertiser, a weekly newspaper published in Moulton, Lawrence County, Alabama, and as such publisher he

published in said newspaper the attached notice for 4 consecutive weeks as follows: May 6, 1943; May 13, 1943; May 20, 1943; May 27, 1943, as required by law.

CLARK HODGINS,
Publisher.

Sworn to and subscribed before me this the 28th day of May, 1943.

CHAS. C. McWHORTER,
Notary Public.

(Seal)

Also:

By Mr. Thomas:

H. 590. For the relief of Mrs. Elsie M. Brinson by the payment of her compensation for expense incurred for a gun shot wound suffered by her deceased husband, Marvin Brinson, while he was in the line of and performing his duty as Deputy Sheriff for the County of Montgomery, State of Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

is hereby given that a bill will be introduced in the Legislature of Alabama, in the 1943 Session thereof, which bill is in substance as follows:

A BILL
TO BE ENTITLED
AN ACT

For the relief of Mrs. Elsie M. Brinson by the payment to her compensation for expenses incurred for a gun shot wound suffered by her deceased husband, Marvin Brinson, while he was in the line of and performing his duty as a Deputy Sheriff for the County of Montgomery, State of Alabama.

Be It Enacted By The Legislature Of Alabama:

SECTION ONE: That the Board of Revenue of Montgomery County, Alabama, is hereby authorized, required and directed to draw or cause to be drawn a warrant on the County funds of Montgomery County, Alabama, in favor of Mrs. Elsie M. Brinson for the sum of Three Hundred Seventy Six (376.44) Dollars and Forty Four Cents, as compensation to her for actual medical, hospital, medicines, etc., incurred by her late deceased husband, by reason of a gun shot wound inflicted on her late deceased husband while the said Marvin Brinson was working as a Deputy Sheriff of Montgomery County, Alabama, and in the line of and performing his duties as a Deputy Sheriff of Montgomery County, Alabama, and under such circumstances Mrs. Elsie M. Brinson has no recourse at law to recover the actual expenses incurred as a result of said injury.

SECTION TWO: This Act shall take effect immediately on its passage and approval by the Governor.

May 6, 13, 20, 27, 1943.

STATE OF ALABAMA,
MONTGOMERY COUNTY.

Before me, Louise S. Champion, a Notary Public, in and for said State and County aforesaid, personally appeared Frank Nunnelee, Publisher of The Montgomery Weekly, and after being duly sworn by me, deposes and says that the attached Legal Notice was published in The Montgomery Weekly for 4 consecutive weeks, as follows: May 6, 13, 20, 27, 1943.

That The Montgomery Weekly is a weekly newspaper of general circulation in Montgomery County, Alabama; That it is entered in the Postoffice at Montgomery, Alabama as second-class mailing matter; That it has been published for 52 consecutive weeks prior to the publication of this legal notice.

(Signed) FRANK NUNNELEE,
Publisher.

Sworn to and subscribed before me, this 27th day of May, 1943.

(Signed) LOUISE S. CHAMPION,
Notary Public.

Also:

By Mr. Thomas:

H. 589. To fix the compensation, salary and allowances to be paid to the Sheriff of Montgomery County, and to regulate the office of said Sheriff, and to impose additional duties upon said Sheriff, and to provide for Deputies and other assistants to said Sheriff, and the selection and appointment thereof, and the manner of fixing their compensation and to provide for paying the same, to provide for the Board of Revenue to authorize additional Deputies in an emergency and upon the request of the Sheriff and to fix their compensation, and to provide for the payment of premiums on the bonds of the Sheriff and Deputies, and to authorize and empower and require the Board of Revenue of Montgomery County, or other court of like jurisdiction, to provide and furnish the said Sheriff with necessary quarters, books, stationery and other necessities and conveniences to the said Sheriff of Montgomery County, and to provide for the payment of same.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

is hereby given that a bill will be introduced in the Legislature of Alabama, in the 1943 Session thereof, which bill is in substance as follows:

A BILL
TO BE ENTITLED
AN ACT

To fix the compensation, salary and allowances to be paid to the Sheriff of Montgomery County, and to regulate the office of said Sheriff, and to impose additional duties upon said Sheriff, and to provide for Deputies and

other assistants to said Sheriff, and the selection and appointment thereof, and the manner of fixing their compensation and to provide for paying the same, to provide for the Board of Revenue to authorize additional Deputies in an emergency and upon the request of the Sheriff and to fix their compensation, and to provide for the payment of premiums on the bonds of the Sheriff and Deputies, and to authorize and empower and require the Board of Revenue of Montgomery County, or other court of like jurisdiction, to provide and furnish the said Sheriff with necessary quarters, books, stationery and other necessities and conveniences to the said Sheriff of Montgomery County, and to provide for the payment of same.

Be It Enacted By The Legislature Of Alabama:

SECTION ONE: That the Sheriff of Montgomery County shall receive and be paid an annual salary of Four Thousand ($4,000.00) Dollars net, in lieu of all other compensation, fees and emoluments, except as otherwise hereinafter provided in this Act, and the said Sheriff shall be allowed the sum of Thirty Six Thousand Three Hundred ($36,300.00) Dollars per annum for help and assistants as follows: One Chief Deputy at Twenty Nine Hundred Seventy ($2,970.00) Dollars per annum; Eleven Deputies at Twenty Three Hundred Ten ($2310.00) Dollars per annum; One Warden at Twenty Six Hundred Forty ($2640.00) Dollars per annum; Two Wardens at Nineteen Hundred Eighty ($1980.00) Dollars per annum; One Attorney at Thirteen Hundred Twenty ($1320.00) Dollars per annum. In addition to the above allowances, the Sheriff of Montgomery County shall be allowed from the passage and approval of this Act the further sum of Twenty Five Hundred ($2500.00) Dollars per annum, in equal monthly installments for ex-officio services of said Sheriff and for attendance upon the sessions of the Juvenile Court or Courts of like jurisdiction in Montgomery County. The Sheriff of Montgomery County shall further be allowed his necessary expense in apprehending and returning prisoners from other States, up to and including Six Hundred ($600.00) Dollars per annum; said expense money to be paid on requisition filed with and approved by the Board of Revenue of Montgomery County, Alabama. All payments as provided in this Section shall be paid out of the general funds of Montgomery County, except as herein otherwise provided, the selections and appointments of said Deputies, Wardens and Attorney shall be made by the Sheriff of Montgomery County.

SECTION TWO: That in the event the bond of the Sheriff or any Deputy in Montgomery County shall be executed by a guaranty, surety or bonding company as surety, the annual premium on such bonds shall be paid by the Board of Revenue of Montgomery County out of the general funds of said County.

SECTION THREE: That in Montgomery County the Board of Revenue, or Court of like jurisdiction, is hereby authorized, empowered and required to provide the Sheriff of said County with necessary quarters, books, stationery and other necessities and conveniences necessary to the proper operation of said office and is hereby authorized, empowered and required to pay for the same out of the general funds of Montgomery County.

SECTION FOUR: That the Board of Revenue of Montgomery County, or Court of like jurisdiction, is hereby authorized, empowered and required to pay out of the general funds of said County the Compensation and salary of said Sheriff as provided in Section One of this Act and all allowances for Deputies and other assistants, as provided in said Section One of this Act, said payments to be made in monthly installments.

SECTION FIVE: That the Sheriff of Montgomery County shall pay into the County Treasury of said County all costs, charges of courts, fees

and commissions, now or that may hereafter be authorized by law to be collected by said Sheriff. The Board of Revenue of Montgomery County, or court of like jurisdiction, shall have the power and authority and it shall be their duty to audit the accounts of said Sheriff for the purpose of requiring a strict compliance with the provisions of this Act.

SECTION SIX: That, when in the opinion of the Board of Revenue of Montgomery County, Alabama, and the Sheriff, there exists an emergency necessitating additional Deputies for the period of the emergency that the Sheriff shall file with said Board of Revenue a request for the number of additional Deputies that may be necessary, and the Board of Revenue may authorize such additional Deputies as in its discretion may be necessary and said Board of Revenue may fix the compensation of such Deputies, shall require that they be bonded and the compensation as fixed by the Board of Revenue together with their bond and premiums shall be paid out of the general funds of the County, except that in cases where said Deputies are requested by individuals or corporations for the protection of such individual or corporate property, said Board of Revenue may require such individual or corporation to pay the bond premium and compensation of such Deputy. The selections and appointments of such additional Deputies shall be made by the Sheriff of Montgomery County, Alabama.

SECTION SEVEN: That all laws, or parts of laws, in conflict with the provisions of this Act, be and the same are hereby expressly repealed.

SECTION EIGHT: That this Act shall take effect immediately upon its passage and approval by the Governor.

May 6, 13, 20, 27, 1943.

STATE OF ALABAMA,
MONTGOMERY COUNTY,

Before me, Louise S. Champion a Notary Public, in and for said State and County aforesaid, personally appeared Frank Nunnelee, Publisher of The Montgomery Weekly, and after being duly sworn by me, deposes and says that the attached Legal Notice was published in The Montgomery Weekly for 4 consecutive weeks, as follows: May 6, 13, 20, 27, 1943.

That The Montgomery Weekly is a weekly newspaper of general circulation in Montgomery County, Alabama; That it is entered in the Postoffice at Montgomery, Alabama as second-class mailing matter; That it has been published for 52 consecutive weeks prior to the publication of this legal notice.

(Signed) FRANK NUNNELEE,
Publisher.

Sworn to and subscribed before me, this 27th day of May, 1943.

(Signed) LOUISE S. CHAMPION,
Notary Public.

By Mr. Payne:

H. 585 To alter and enlarge the corporate limits of the City of Sylacauga, Talladega County, Alabama, and to define the boundaries thereof.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Pursuant to Constitutional requirements, Notice is hereby given that a bill will be introduced at the present session of the Legislature of Alabama, to

alter and enlarge the Boundaries of the City of Sylacauga, in the County of Talladega, State of Alabama, as follows:

AN ACT

To alter and enlarge the corporation limits of the City of Sylacauga, Talladega County, Alabama, and to define the boundaries thereof.

Be it enacted by the Legislature of Albama.

Section 1. That hereafter the corporate limits of the City of Sylacauga, Talladega County, Alabama, shall be as follows:

Beginning at S. W. Corner of Section 32 T. 21 S. R4E thence east 1-4 of a mile to the N. W. Corner of N. E. 1-4 of N. W. 1-4 of Section 5, T.22S, R4E; thence south 1-4 of a mile to the S. W. Corner of said N. E. 1-4 of N. W. 1-4 of Section 5, T22S R4E; thence east along the 1-4 section line one mile to the S. E. Corner of N. W. 1-4 of N. W. 1-4 of Section 4, T22S, R4E; thence north along the 1-4 section line two and a half miles to the N. E. Corner of S. W. 1-4 of S. W. 1-4 of Section 21 T.21S. R4E; thence west along 1-4 Section line 5-8 of a mile to the N. E. Corner of the West 1-2 of the S. W. 1-4 of S. E. 1-4 of Section 20, T.21S., R4E; thence south along the east side of west 1-2 of the S. W. 1-4 of S. E. 1-4 of Section 20, T.21S, R4E, to the north line of 11th Street as shown on the map of the Marble City Land and Furnace Company Subdivision of Sylacauga, Alabama, as recorded in Plat Book No. 1, Page 34 in the Office of the Judge of Probate at Talladega, Alabama; thence west along the north line of said 11th Street to the west line of Norton Avenue; thence south along the west side of Norton Avenue to the north line of 10th Street; thence west along the north line of 10th Street to the East side of N. W. 1-4 of N. W. 1-4 of Section 29 T.21S; R.4E; thence south along the east side of N. W. 1-4 of N. W. 1-4 of Section 29, T.21S, R4E to the S. E. Corner of said N. W. 1-4 of N. W. 1-4 of Section 29, T21S., R4E; thence west along the south side of said N. W. 1-4 of N. W. 1-4 of Section 29, T.21S, R4E, to the South right of way line of the Central of Georgia Railroad; thence in a southeasterly direction along the south right of way line of the Central of Georgia Railroad to the north line of 8th Street; thence west along the north line of 8th Street to the west line of Fairground Avenue; Thence south along the west side of Fairground Avenue, 180 feet to the south boundary of a tract of land in S. W. 1-4 of N. E. 1-4 of Section 30 T.21S., R4E, owned by Avondale Mills; thence west along the south boundary line of said Avondale Mills tract 1-4 of a mile to the east side of S. E. 1-4 of N. W. 1-4 of Section 30, T21S, R4E., thence south along the 1-4 section line of the S. W. Corner of S. E. 1-4 of Section 31, T.21S., R4E; thence east along the south line of said S. E. 1-4 of Section 31; T21S, R4E, 1-2 mile to the S. W. Corner of Section 32, T21S, R4E which is the point of beginning.

Section 2. That all laws and parts of laws in conflict herewith are herby repealed.

Section 3. This Act shall become effective immediately upon its approval by the Governor. 4-29-4tc

The State of Alabama,
County of Talladega.

Personally appeared before me, R. Williams a Notary Public in and for said County in said State, Will Moody, who being duly sworn deposes and says that he is the Editor of the Sylacauga Advance a weekly newspaper published in Sylacauga, Talladega County, Alabama and that the publication of a certain notice, a true copy of which is hereto attached was published in said Sylacauga Advance for four consecutive weeks, on to wit, the 29th day of

April 1943, and the 6th day of May 1943, and the 13th day of May 1943 and the 20th day of May 1943

WILL MOODY.

Sworn to and subscribed before me on this 22 day of May, 1943.

R. WILLIAMS,
Notary Public.

(Seal)
My commisison expires January 4, 1947

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees as follows:

H. 591, to the Committee on County and County Boundaries.

House bills 592, 609, 610, 548, 608, 607, 606, 590, 589 and 585, to the Committee on Local Legislation.

CALENDAR BILLS INDEFINITELY POSTPONED

On motion of Mr. Goodwin, further consideration of the bills: S. 269, S. 268, were indefinitely postponed by the Senate.

CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Kilborn, further consideration of the bill: S. 292, was indefinitely postponed by the Senate.

BILLS ON THIRD READING

The bill:

H. 428. To authorize the organization of public non-profit corporations for the purpose of acquiring and operating facilities for the production, transmission and distribution of electricity and related services in power districts to be composed of all or parts of any three or more connecting counties; to specify the method of amending the certificate of incorporation of any such corporation; to provide for its management; to define its powers, including the power of eminent domain with certain limitations, the power to fix and collect rates and charges for services rendered, and the power to raise funds necessary for its purposes by the issuance of its revenue bonds payable solely from the revenues derived from the operation of its properties, which bonds and the interest coupons applicable thereto shall be negotiable; to exempt from all taxation all such bonds together with income therefrom

and any security executed therefor and all properties of the corporation; to authorize the making of pledges and mortgages and deeds of trust as security for such bonds; to require the consent of the Department of Finance to the issuance of such bonds; to specify the properties of such bonds and the rights and remedies of the holders thereof; to provide that such corporation shall not be subject to the jurisdiction of the Alabama Public Service Commission; and to provide for distribution of the assets of any such corporation on its dissolution.

Was read a third time at length and passed.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:	Cater	Kelly	Shaver	
Benson	Espy	Kilborn	Simpson	
Bentley	Garrett	Lawson	Smith	
Black	Goodwin	Madison	Taylor	
Bradford	Hill	Newton	Walton	
Carlton	Hornsby	Pinson		—22

Nays: —0

The bill:

H. 429. To authorize any municipality in this State situated within the territorial limits of any power district proposed to be served with electricity and related services by a public non-profit corporation to advance funds to such corporation for the purpose of paying its preliminary organization and administration expenses, and to provide for the terms of any such advances.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	Hill	Pinson	
Benson	Cobb	Hornsby	Shaver	
Bentley	Espy	Kelly	Simpson	
Black	Garrett	Kilborn	Smith	
Bradford	Goodwin	Lawson	Taylor	
Carlton	Henderson	Madison	Walton	
				—23

Nays: —0

The bill:

H. 328. To make an appropriation to the University of Alabama for the encouragement, development, and maintenance of research work, and for the further development and support of the University's extension program.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:	Cobb	Kelly	Shaver	
Benson	Espy	Kilborn	Sherrer	
Bentley	Garrett	Lawson	Simpson	
Black	Goodwin	Madison	Smith	
Bradford	Henderson	McCary	Taylor	
Carlton	Hill	Newton	Walton	
Cater	Hornsby	Pinson		—26

Nays: —0

The bill:

S. 257. To make an appropriation from the General Fund of the State treasury for matching Federal funds for the purpose of indemnifying owners of cattle which have been condemned or slaughtered, after having reacted to the test for tuberculosis, paratuberculosis, or Bangs Disease.

Was read a third time at length and passsed, and ordered sent forthwith to the House without engrossment.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:	Cater	Hill	Shaver	
Benson	Cobb	Hornsby	Sherrer	
Bentley	Espy	Kelly	Simpson	
Black	Garrett	Kilborn	Smith	
Bradford	Goodwin	Madison	Walton	
Carlton	Henderson	McCary		—22

Nays: —0

The bill:

S. 207. To authorize, require, and provide for the payment of the sum of $596.30 by the State Comptroller of the State of Alabama, for the relief of Robert F. Henry, Montgomery, Alabama, said sum being an amount paid by him to the Treasurer, the Department of Revenue, and the State Tax Commission of the State of Alabama, for sales taxes paid through error, from March 1, 1937, through March 20, 1939, both inclusive.

Was taken up.

The Standing Committee on Finance and taxation offered the following substiute for the bill, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To authorize, require, and provide for the payment of the sum of $290.28 by the State Comptroller of the State of Alabama, for the relief of Robert F. Henry, Montgomery, Alabama, said sum being an amount paid by him to the Treasurer, the Department of Revenue, and the State Tax Commission of the State of Alabama, for sales taxes paid through error, from March 1, 1937, through April 20, 1943, both inclusive.

WHEREAS, Robert F. Henry, from March 1, 1937, through April 20, 1943, both inclusive, paid through error to the Treasurer, the Department of Revenue, and the State Tax Commission of the State of Alabama, $290.28 for sales taxes; and

WHEREAS, the said Robert F. Henry was not due to pay the Treasurer, the Department of Revenue, or the State Tax Commission of the State of Alabama, any part of said sum for sales taxes during said years; and

WHEREAS, the said Robert F. Henry paid to the Treasurer, the Department of Revenue, and the State Tax Commission of the State of Alabama, all sales taxes due by him during said years;

Be it Enacted by the Legislature of Alabama:

Section 1. That upon the passage and approval of this Act, the State Comptroller of the State of Alabama is hereby authorized and required to draw his warrant on the Sales Tax Fund of the State of Alabama, in favor of Robert F. Henry, for the sume of $290.28.

Section 2. That this Act shall become effective upon its passage and approval by the Governor or its otherwise becoming a law.

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:	Cobb	Kelly	Shaver	
Benson	Espy	Kilborn	Sherrer	
Bentley	Garrett	Lawson	Simpson	
Black	Goodwin	Madison	Smith	
Bradford	Henderson	McCary	Taylor	
Carlton	Hill	Newton	Walton	
Cater	Hornsby	Pinson		—26

Nays: —0

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 21; Nays, 0.

Yeas:

Messrs.:	Espy	Kelly	Sherrer	
Benson	Garrett	Lawson	Simpson	
Bentley	Goodwin	Madison	Smith	
Black	Henderson	Newton	Taylor	
Cater	Hill	Pinson	Walton	
Cobb	Hornsby			—21

Nays: —0

The bill:

S. 95. To provide for the removal from office of fiduciaries engaged in War service and to provide for the appointment of their successors, and to provide for the removal from office of such successor fiduciaries and the reappointment of fiduciaries theretofore removed from office because of War Service, and to provide for notice and hearing of petitions for the above purposes and to provide for bonds to be given by fiduciaries so appointed and to define the term "War Service" and the term "fiduciary' 'as used herein.

Was taken up:

Mr. Bentley offered the following amendment to the bill, to-wit:

Amend S. B. 95 by striking Section 2 thereof and substituting in lieu thereof the following:

Section 2. Any fiduciary engaged in War Sercie may be removed from his office as such upon petition filed in the proper court having jurisdiction by any person interested in the trust fund or the estate being administered or by any co-fiduciary, or surety, and if the trust has not been fully executed or the administration of the estate has not been fully completed the court, upon such removal, must appoint a successor fiduciary to fill the vacancy caused by such removal if there is no trust instrument providing a practicable method of appointment. If the court shall find that because of the military service of the fiduciary, the stating of an acocunt at that time is not possible, an accounting by such fiduciary in military service shall not be a prerequisite to the appointment of a successor fiduciary, and upon the reinstatement of such fiduciary or at such time as the said court deems meet such fiduciary may be required by said court to file an accounting of his administration of the trust fund."

Which was adopted.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:	Garrett	Kelly	Pinson	
Benson	Goodwin	Kilborn	Sherrer	
Bentley	Henderson	Lawson	Simpson	
Bradford	High	Madison	Smith	
Carlton	Hill	McCary	Taylor	
Cater	Hornsby	Newton	Walton	
Espy				—24

Nays: —0

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 21; Nays, 0.

Yeas:

Messrs.:	Garrett	Kelly	Newton	
Bentley	Goodwin	Kilborn	Simpson	
Bradford	Henderson	Lawson	Smith	
Carlton	High	Madison	Taylor	
Cater	Hill	McCary	Walton	
Espy	Hornsby			—21

Nays: —0

The bill:

H. 287. To authorize county and city boards of education to invest the unused proceeds of any warrants sold under the provisions of Article 4 of Title 52 of the Code of Alabama of 1940 in securities issued by the Government of the United States of America until such time as such proceeds can be used for the purposes for which the warrants were issued.

Was read a third time at length and passed.

Yeas, 18; Nays, 0.

Yeas:

Messrs.:	Garrett	Kilborn	Simpson	
Bentley	Goodwin	Lawson	Smith	
Bradford	Hill	Madison	Taylor	
Cobb	Hornsby	McCary	Walton	
Espy	Kelly	Pinson		—18

Nays: —0

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committtee on Revision of the Journal begs leave to report that said committee, in session, has carefuly examined the Journals of the Senate for the thirty-second and thirty-fifth days and finds same correct and containing all original entries and references thereto required by the Constitution.

Jim Smith, Jr.,
Chairman.

COMMITTEE REPORT

On motion of Mr. Smith, the foregoing report was concurred in and the Journals of the Senate for the thirty-second and thirty-fifth days approved by the Senate.

ADJOURNMENT

At 4:40 P.M., on motion of Mr. Taylor, the Senate adjourned until tomorrow, Tuesday, June 8, 1943, at eleven o'clock A.M.

THIRTY-SIXTH DAY

Tuesday, June 8, 1943.

The Senate met pursuant to adjournment, Lieutenant-Governor Ellis, presiding.

PRAYER

The session was opened with Prayer by Dr. J. E. Moore, of the First Christian Church, Montgomery.

ROLL CALL

Present:

Messrs.:	Espy	Kelly	St. John (Lawrence)
Benson	Garrett	Kilborn	Shaver
Bentley	Goodwin	Lawson	Sherrer
Black	Henderson	Madison	Simpson
Bradford	High	McCary	Smith
Carlton	Hill	Newton	Taylor
Cater	Hornsby	Pinson	Toomer
Cobb	Jones	St. John (Cullman)	Walton
Dodson			—32

JOURNAL

On motion of Mr. Carlton, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

INTRODUCTION OF BILLS

Upon the call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Hill:

S. 333. To authorize the City Board of Education of Athens, Alabama, to construct and repair school buildings and purchase equipment and supplies for school buildings under the administrative control and jurisdiction of the City Board of Education of Athens, Alabama, with the funds arising from the sale of the real estate located near the City of Athens, Alabama, known as the State Secondary Agricultural School Demonstration Farm and the personal property located thereon and connected there-

with, which said sale was authorized by and made under an Act of the Legislature of Alabama approved Sept. 21, 1939.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL LAW

STATE OF ALABAMA,
LIMESTONE COUNTY.

Be it enacted by the Legislature of Alabama:

Notice is hereby given that at the session of the Legislature of Alabama, which convened on, to-wit, January 18, 1943, a bill substantially as follows will be introduced and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT.

To authorize the City Board of Education of Athens, Alabama, to construct and repair school buildings and purchase equipment and supplies for school buildings under the administrative control and jurisdiction of the City Board of Education of Athens, Alabama, with the funds arising from the sale of the real estate located near the City of Athens, Alabama, known as the State Secondary Agricultural School Demonstration Farm and the personal property located thereon and connected therewith, which said sale was authorized by and made under an Act of the Legislature of Alabama approved Sept. 21, 1939.

Be it Enacted by the Legislature of Alabama:

Section 1. That after the passage and approval of this Act, the City Board of Education of Athens, Alabama, shall have authority to, and be vested with the legal right to use the funds arising from the sale of the real estate located near the City of Athens, Alabama, known as the State Secondary Agricultural School Demonstration Farm and the personal property located thereon and connected therewith, which said sale was authorized and made under an Act of the Legislature of Alabama, approved September 21, 1939, to construct and repair school buildings and to purchase equipment and supplies for school buildings under the administrative control and jurisdiction of the City Board of Education of Athens, Alabama.

Section 2. That this Act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

JOHN E. CHRISTOPHER,
4294. Representative of Limestone County.

STATE OF ALABAMA,
LIMESTONE COUNTY.

Before me, B. S. Turrentine, Clerk of Circuit Court in and for said county and state this day personally appeared Mrs. R. M. Rawls, who being by me first duly sworn doth depose and say that she is Editor and Printer and Owner of the Alabama Courier, a newspaper of general circulation published in Limestone County, Alabama, once a week; that the above and foregoing notice and copy of the local bill hereto attached and made a part hereof were duly published once a week for four consecutive weeks in said Alabama Courier appearing in the issues of said newspaper on to-wit: April 29, 1943, May 6, 1943, May 13, 1943 and May 20, 1943.

MRS. R. M. RAWLS,
Editor, Printer and Owner of Alabama Courier.

Sworn to and subscribed before me, this the 29th day of May, 1943.

(SEAL) B. S. TURRENTINE,
Clerk Circuit Court of Limestone County, Alabama.

By Mr. Madison:

S. 334. To amend Section 3, as amended March 6, 1939, of House Bill 190 of the Acts of the Legislature of Alabama of Extra Session of 1936, approved March 31, 1936, entitled "An Act to fix the compensation or salary to be paid the Clerk of the Circuit Court of Tuscaloosa County, Alabama, and to regulate the payment of the same; to provide for compensation of clerks, deputies, clerical assistants and other expenses in said office of the Clerk of the Circuit Court of Tuscaloosa County, Alabama, and to require said Clerk of the Circuit Court to collect all the fees, compensation and allowances heretofore or hereafter authorized to be collected by him, and to pay same into the county treasury of Tuscaloosa County, provided, however, that all witness fees, judgments and amounts collected by him, in civil and criminal cases, from whatsoever source, except fees, allowances, legal charges, costs and compensation payable to him as such Clerk, shall be retained in the hands of said Clerk to be paid out and disbursed by him to proper persons or parties in the manner now or hereafter required by law; to provide for the payment of the salary or compensation of said Clerk of the Circuit Court of Tuscaloosa County, and the Clerks, Deputies and other clerical assistants and other office expenses out of the funds of Tuscaloosa County, and to provide rules and regulations for the conducting and operation of such office made necessary by changing the method and basis of compensation of such clerk of the Circuit Court of Tuscaloosa County, and to prescribe when this Act shall go into effect."

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that application will be made to the Legislature of Alabama at the next regular session thereof, which begins May 4, 1943, for the passage of a bill to become a law providing that the combined salaries or compensation of the clerks, deputies and assistants employed by the Circuit Clerk of Tuscaloosa County, Alabama, shall not exceed Three Thousand and no/100 ($3,000.00) Dollars per annum. This will be an increase of Five Hundred and no/100 ($500.00) Dollars per annum in the amount now allowed by law.

This the 1st day of May, 1943.

J. C. AUSTIN,
E. L. DODSON,
GORDON MADISON.

I hereby certify that the attached notice was published in the Tuscaloosa News once a week for four consecutive weeks, viz, May 3, 10, 17, 24, 1943, and that the Tuscaloosa News is a newspaper published in Tuscaloosa County, Alabama.

BRUCE SHELTON,
Publisher.

Subscribed and sworn to before me on this the 5th day of June, 1943.

LILLA COLLINS,
Notary Public.

(Seal)

By Mr. Madison:

S. 335. To amend Section 3, as amended August 11, 1939, of House Bill No. 524, of the Acts of the Legislature of Alabama of 1935, approved June 12, 1935, entitled "An Act to fix the compensation or salary to be paid the Tax Assessor of Tuscaloosa County, Alabama, and to regulate the payment of the same; to provide for compensation of clerks, deputies, clerical assistants and other expenses in said office of the Tax Assessor of Tuscaloosa County, Alabama, and to require said Tax Assessor to collect all the fees, compensation and allowances heretofore or hereafter authorized to be collected by him, and to pay same into the County Treasury of Tuscaloosa County; to provide for the payment of the salary or compensation of said Tax Assessor of Tuscaloosa County, and the clerks, deputies and other clerical assistants and other office expenses out of the funds of Tuscaloosa County, and to provide rules and regulations for the management and operation of such office made necessary by changing the method and basis of compensation of said Tax Assessor, and to prescribe when this Act shall go into effect."

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that application will be made to the Legislature of Alabama at the next regular session thereof, which begins May 4, 1943, for the passage of a bill to become a law providing that the combined salaries or compensations of the clerks, deputies and assistants employed by the Tax Assessor of Tuscaloosa County, Alabama, shall not exceed Forty-seven Hundred and no/100 ($4700.00) Dollars per annum. This will be an increase of Three Hundred and no/100 ($300.00) Dollars per annum in the amount now allowed by law.

This the 1st day of May, 1943.

J. C. AUSTIN,
E. L. DODSON,
GORDON MADISON.

I hereby certify that the attached notice was published in the Tuscaloosa News once a week for four consecutive weeks, viz, May 3, 10, 17, 24, 1943, and that the Tuscaloosa News is a newspaper published in Tuscaloosa County, Alabama.

BRUCE SHELTON,
Publisher.

Subscribed and sworn to before me on this the 5th day of June, 1943.

LILLA COLLINS,
Notary Public.

(Seal)

By Mr. Madison:

S. 336. To amend Section 3, as amended August 11, 1939, of House Bill No. 526, of the Acts of the Legislature of Alabama of 1935, approved June 12, 1935, entitled "An Act to fix the compensation or salary to be paid the Tax Collector of Tuscaloosa County, Alabama, and to regulate the payment of the same; to provide for compensation of clerks, deputies, clerical assistants and other expenses in said office of the Tax Collector of Tuscaloosa County, Alabama, and to require said Tax Collector to collect all the fees, compensation and allowances heretofore or hereafter authorized to be collected by him, and to pay same into the County Treasury of Tuscaloosa County; to provide for the payment of the salary or compensation of said Tax Collector of Tuscaloosa County, and the clerks, deputies and other clerical assistants, and other office expenses out of the funds of Tuscaloosa County, and to provide rules and regulations for the management and operation of such office made necessary by changing the method and basis of compensation of such Tax Collector, and to prescribe when this Act shall go into effect."

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that application will be made to the Legislature of Alabama at the next regular session thereof, which begins May 4, 1943, for the passage of a bill to become a law providing that the combined salaries of compensation of the clerks, deputies and assistants employed by the Tax Collector of Tuscaloosa County, Alabama, shall not exceed Four Thousand Three Hundred Twenty and no/100 ($4,320.00) Dollars per annum. This will be an increase of Three Hundred and no/100 ($300.00) Dollars per annum in the amount now allowed by law.

This the 1st day of May, 1943.

J. C. AUSTIN,
E. L. DODSON,
GORDON MADISON.

I hereby certify that the attached notice was published in the Tuscaloosa News once a week for four consecutive weeks, viz, May 3, 10, 17, 24, 1943, and that the Tuscaloosa News is a newspaper published in Tuscaloosa County, Alabama.

BRUCE SHELTON,
Publisher.

Subscribed and sworn to before me on this the 5th day of June, 1943.

LILLA COLLINS,
Notary Public.

(Seal)

By Mr. Madison:

S. 337. To amend Section Three (3) as amended March 31, 1936, and March 6, 1939, of House Bill No. 525, of the Acts of the Legislature of Alabama, approved June 12, 1935, entitled "An Act to fix the compensation or salary to be paid the Judge of Probate of Tuscaloosa County, Alabama, and to regulate the payment of the same; to provide for the compensation of clerks, deputies, clerical assistants and other expenses in the Probate Office of Tuscaloosa County, Alabama, and to require said Judge of Probate to collect all the fees, compensation and allowances heretofore or hereafter collected by said Judge of Probate and to pay same into the County Treasury of Tuscaloosa County; to provide for the payment of the salary or compensation of said Judge of Probate and the clerks, deputies and other clerical assistants, and other office expenses, out of the funds of Tuscaloosa County, and to provide rules and regulations for the management and operation of such office made necessary by changing the method and basis of compensation of such Judge of Probate, and to prescribe when this Act shall go into effect."

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that application will be made to the Legislature of Alabama at the next regular session thereof, which begins May 4, 1943, for the passage of a bill to become a law providing that the combined salaries or compensation of the clerks, deputies and assistants employed by the Probate Judge of Tuscaloosa County, Alabama, shall not exceed Ten Thousand Seven Hundred and no/100 ($10,700.00) Dollars per annum. This will be an increase of Seven Hundred and no/100 ($700.00) Dollars per annum in the amount now allowed by law.

This the 1st day of May, 1943.

J. C. AUSTIN,
E. L. DODSON,
GORDON MADISON.

I hereby certify that the attached notice was published in the Tuscaloosa News once a week for four consecutive weeks, viz, May 3, 10, 17, 24, 1943, and that the Tuscaloosa News is a newspaper published in Tuscaloosa County, Alabama.

BRUCE SHELTON,
Publisher.

Subscribed and sworn to before me on this the 5th day of June, 1943.

LILLA COLLINS,
(Seal) Notary Public.

By Mr. Madison:

S. 338. To amend Section 17, as amended August 2, 1927, of House Bill No. 1683, of the Acts of the Legislature of Alabama approved September 25, 1915, entitled "An Act to establish a Board of Revenue for Tuscaloosa County, Alabama, to prescribe its powers and duties, to fix the compensation of its members, to provide for the election of its members and fix their terms of office, to provided for a Clerk and Engineer, and to abolish the Court of County Commissioners, the Board of Public Works and the Jury Commission of said County."

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that application will be made to the Legislature of Alabama at the next regular session thereof, which begins May 4, 1943, for the passage of the following bill to become a law:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 17, as amended August 2, 1927, of House Bill No. 1683, of the Acts of the Legislature of Alabama approved September 25, 1915, entitled "An Act to establish a Board of Revenue for Tuscaloosa

County, Alabama, to prescribe its powers and duties, to fix the compensation of its members, to provide for the election of its members and fix their terms of office, to provide for a clerk and engineer, and to abolish the Court of County Commissioners, the Board of Public Works and the Jury Commission of said County."

. . Be it Enacted by the Legislature of Alabama:

Section 1. That Section 17 of House Bill No. 1683, passed by the 1915 Legislature of Alabama, approved September 25, 1915, as amended August 2, 1927, be amended to read as follows: Section 17. That the three members of the Board of Revenue, other than the President thereof, shall each receive a salary of not exceeding Eighteen Hundred and no/100 ($1800.00) Dollars per annum, provided, however, that where the members of said Board of Revenue use their own automobiles in the service of the County and in the performance of its business, the County shall furnish to the members of said Board of Revenue, at the County's expense, all the necessary gasoline, oil and repairs for their automobiles while in use by them on County business. The salary shall be paid in monthly installments out of the County Treasury on certificates or warrants signed by the President of the Board. The salary of the President of the Board shall be Six Hundred and no/100 ($600.00) Dollars per annum, payable in monthly installments in the same manner as other members of said Board are paid.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor.

This the 1st day of May, 1943.

J. C. AUSTIN,
E. L. DODSON,
GORDON MADISON,

I hereby certify that the attached notice was published in the Tuscaloosa News once a week for four consecutive weeks; viz, May 3, 10, 17, 24, 1943, and that the Tuscaloosa News is a newspaper published in Tuscaloosa County, Alabama.

BRUCE SHELTON,
Publisher.

Subscribed and sworn to before me on this the 5th day of June, 1943.

(SEAL) LILLA COLLINS,
Notary Public.

By Mr. Simpson:

S. 339. Amend Section 7, Sitle 49 of the Code of Alabama of 1940.

Committee on Public Welfare and Correctional Institutions.

By Mr. Jones:

S. 340. For the relief of Mrs. Avery Johnson, as compensation for the death of her husband, Avery Johnson, deceased, of Perry County, Alabama, while he was in the line of and performing his duty as a road employee for the County of Perry, State of Alabama.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

The Legislature of Alabama will be requested to pass the following local law at the Regular 1943 Session; which law shall be substantially as follows:

AN ACT

For the relief of Mrs. Avery Johnson, as compensation for the death of her husband, Avery Johnson, deceased, of Perry County, Alabama, while he was in the line of and performing his duty as a road employee for the County of Perry, State of Alabama:

Be it Enacted by the Legislature of Alabama:

Section 1. That the Court of County Commissioners of Perry County, Alabama, be and they are hereby authorized to pay to Mrs. Avery Johnson the sum of two Thousand Five Hundred Dollars ($2,500.00) as compensation to her for the death of her husband, Avery Johnson, which occurred on the 22nd day of March, 1943, and while the said Avery Johnson was working as an employee in the line of and performing his duties as an employee of the Road Department of Perry County, Alabama, and under such circumstances that the widow and other members of his family have no recourse at law to recover damages or compensation for his death. That the Court of County Commissioners of Perry County, Alabama, be and they are hereby empowered and authorized to pay said compensation out of the Road and Bridge Fund of Perry County, Alabama.

Section 2. This Act shall take effect on its passage and approval by the Governor.

The Court of County Commissioners of Perry County, Alabama.

THE STATE OF ALABAMA,
PERRY COUNTY.

Before me the undersigned authority for said State and County, this day personally appeared R. C. Montgomery, business manager of The Marion Times-Standard, a newspaper published in Perry County, Alabama, who, being duly sworn, says the Legal Notice, copy of which is hereto attached, was published in the said Marion Times-Standard once a week for four consecutive weeks, namely; May 13, May 20th, May 27th and June 3rd, 1943, and that same is a true copy.

R. C. MONTGOMERY,
Business Manager Marion Times-Standard.

Sworn to and subscribed before me this June 3, 1943.

(SEAL)

IRBY POPE,
Judge of Probate.

By Mr. Bradford:

S. 341. Relating to employers and employees and their relation to the public and to each other; defining the meaning of words and terms used in the act; creating the Department of

Labor; requiring reports by labor organizations; granting freedom to join or refrain from joining labor organizations; making unlawful the interference with the right to work or the interference with the obtaining, use or disposition of materials, equipment or service; regulating the exercise of the right to strike; creating civil liability; prohibiting payment for the privilege of working; prohibiting executive, administrative, professional, or supervisory employees from becoming members in certain labor organizations; prohibiting political contributions by labor organizations; establishing civil and criminal penalties and remedies for the violation of this act; declaring the effect of a conflict with existing laws.

Committee on Judiciary.

By Mr. Henderson:

S. 342. To abolish the two and one-half (2½) mill special road and bridge tax now levied in Wilcox County, upon retirement of outstanding bonds.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF A PROPOSED LOCAL ACT

TO WHOM IT MAY CONCERN:

Notice is hereby given that there will be introduced in the Legislature of Alabama, during the present regular session, a bill in substance as follows, and its passage requested.

A BILL
TO BE ENTITLED
AN ACT

To abolish the two and one half (2½) mill special road and bridge tax now levied in Wilcox County, upon retirement of outstanding bonds.

Be It Enacted By The Legislature Of Alabama:

Section 1. Upon retirement of all bonds now outstanding against the two and one-half (2½) mill Special Road and Bridge Tax now levied in Wilcox County either by payment or by refunding against other security, the Court of County Commissioners of Wilcox County shall discontinue the levy of said two and one-half (2½) mill Special Road and Bridge Tax.

Section 2. REPEALING CLAUSE: All laws or parts of laws in conflict with this act are hereby expressly repealed.

Section 3. SEVERANCE: If any section, clause, provision, or portion of this act shall be held invalid or unconstitutional by any court of competent jurisdiction, such invalidity shall not affect any other section, clause

provision or portion of this act which is not of itself void or unconstitutional; and it is now declared that the other parts or sections would have been enacted regardless of any section or parts of sections which might be held void or unconstitutional.

Section 4. EFFECTIVE DATE: This act shall take effect immediately upon the passage and approval of this act or its otherwise becoming a law.

STATE OF ALABAMA,
WILCOX COUNTY.

Before me, Gussie Jones, Notary Public in and for said State and County, this day appeared C. M. Watts, who being by me first duly sworn, deposes and says that he is the Editor and Publisher of the Wilcox Progressive Era, a newspaper of general circulation published in Wilcox County, Alabama; that the above and foregoing notice was published once a week for four successive weeks in the Wilcox Progressive Era, on to-wit: May 13, 1943, May 20, 1943, May 27, 1943, June 3, 1943 wthout cost to the State of Alabama.

C. M. WATTS,
Editor and Publisher of the Wilcox Progressive Era.

Sworn to and subscribed before me this the 5 day of June, 1943.

(SEAL)

GUSSIE JONES,
Notary Public, Wilcox County, Ala.

By Mr. Henderson:

S. 343. To further provide for the fiscal management of Wilcox County; to provide for the refunding and amortization of the outstanding obligations of Wilcox County and the refunding and amortization of obligations of Wilcox County that may hereafter be issued.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF A PROPOSED LOCAL ACT

TO WHOM IT MAY CONCERN:

Notice is hereby given that there will be introduced in the Legislature of Alabama, during the present regular session, a bill in substance as follows, and its passage requested:

A BILL
TO BE ENTITLED
AN ACT

To further provide for the fiscal management of Wilcox County; to provide for the refunding and amortization of the outstanding obligations of Wilcox County and the refunding and amortization of obligations of Wilcox County that may hereafter be issued.

Be It Enacted By The Legislature Of Alabama:

Section 1. TEMPORARY LOANS: Tax anticipation warrants or notes shall be issued to cover temporary indebtedness and must mature in the fiscal year in which issued. The total aggregate amount of all such temporary tax anticipation warrants or notes issued shall not be greater than forty (40) per cent of the annual income of the fund against which said tax anticipation warrants or notes are issued and must not be greater than an amount which can be included in the annual budget and liquidated at maturity. The Probate Judge and other county officials shall not sign any warrants which represent new obligations which will be in violation of these provisions.

Section 2. MATURITY OF BONDS AND WARRANTS: Bonds and warrants shall be used as evidence of all indebtedness which extend more than one year beyond the date of issue and shall be payable and subject to redemption as provided herein at any time not exceeding twenty years from the date of issue. All bonds, warrants, revenue obligations, and other evidences of indebtedness whether new obligations, or whether they be for refunding purposes shall mature serially in annual installments. The first annual installment shall be payable not more than three years after the date of issue and the last installment shall completely liquidate the entire issue. No such installment shall be more than twice as large as the smallest prior installment of the same issue.

Section 3. DEBT LIMIT: If the total amount of bonds, warrants, revenue obligations or other evidences of indebtedness outstanding at any one time against any fund of the county exceeds an amount that will require more than eighty (80) percent of the annual income of said fund based on an average of the three fiscal years preceding the current year no new issue of bonds or warrants shall be made. No new issue of bonds, warrants, revenue obligations, or any other forms of evidences of indebtedness of any kind shall be made against any fund which pledges the income or revenue or part of the income or revenue of any kind from said fund which will raise the amount required for debt service to a figure greater than the unallocated or unbudgeted part of that fund. Such figure used for debt service shall include both interest and installments on the principal. In addition to these limits there shall be a statutory debt limit which shall prohibit the county from incurring a total debt, against all funds and revenues which shall be greater than three times the constitutional debt limit. The Probate Judge and other officials of Wilcox County shall not sign any bonds, warrants, revenue obligations, or other evidences of indebtedness which represent new obligations of the county which shall cause the total county debt to be raised above this limit.

Section 4. PLACE OF PAYMENT AND FEES FOR FISCAL AGENT: All notes, bonds, warrants, revenue obligations and other evidences of indebtedness may be made payable at such place or places within or without the State of Alabama as the governing body of the county shall determine. No contract shall be made with any paying agent, as reimbursement for such services performed and expenses incurred, including exchange, handling charges, collecting and paying cost which shall exceed one-tenth of one percent of the principal amount of such obligations to be paid and one-fourth of one percent of the amount of any interest paid.

Section 5. SALES OF SECURITIES: All bonds, warrants, revenue obligations or other evidences of indebtedness if sold or exchanged or refunded, shall go to the highest bidder at public sale unless sold at a better

price within thirty (30) days after failure to receive an acceptable bid at a duly advertised sale in accordance with this section. The public sale shall be by sealed bids opened in public. The notice of sale shall state the amount of bonds to be sold, exchanged or refunded, the maturities thereof, the amount payable at each maturity, the time and place for submitting the sealed bids, and shall include an invitation to the bidders to name the rate of interest in their bids. Bidding shall be conditioned on the deposit of a certified check of not less than two (2) per cent of the principal amount of the securities offered for sale and the notice of sale shall so state. Prior to the sale such notices shall be published once in each of three consecutive weeks in a local county newspaper if there be any and in at least three newspapers in the State. Notice shall be posted at the Court house of the county and at least two other public places in the county. Notice shall be filed with the Chief of the Division of Local Finance in the office of the State Director of Finance three weeks before any sale, refunding, or exchange and the said Division of Local Finance shall be requested to furnish notice to all dealers, banks, or other applicants whose names are on the mailing list of that Division. The county shall have the right to reject all bids. In determining the highest bid consideration shall be taken of the rate of interest, any fee charged or premium offered and all other factors affecting the net cost. The determination of the highest bid on these points by the county governing body shall be final. The minutes of the county governing body shall show the names of those bidding and the amount of the bids. Refunding bonds, warrants, or revenue obligations, or other evidences of indebtedness can only be exchanged with the holders of the outstanding bonds, warrants, revenue obligations, or other evidences of indebtedness when their bid is determined to be lower than any other bid. Refunding bonds, warrants, or other evidences of indebtedness shall not be exchanged with the holder of the outstanding issues before the maturity of said outstanding issues in such a manner as to circumvent the provisions of this act requiring competitive bidding.

Section 6. PURPOSE OF NEW BONDS: No new bonds or warrants, revenue obligations or other forms of evidence of indebtedness shall be issued except for internal improvements or for other improvements authorized by the Constitution or by laws enacted in accordance with the Constitution. This section shall not operate to prevent the funding or refunding of existing debts.

Section 7. CALLABILITY: All bonds or warrants, revenue obligations or any other form of evidence of indebtedness maturing more than 10 years from date of issue shall be made callable and subject to redemption after ten years and can after ten years be paid at any time by giving six month's notice to the holders or in a newspaper published or circulated in the county and in at least one newspaper published in each of the three (3) largest cities in the State according to the last published federal census report preceding the date of advertising. All bonds, warrants, revenue obligations and all other forms of evidence of indebtedness shall have a provision under which they are callable and payable on six month's notice at not to exceed one hundred and five percent of par at any time prior to the end of the first ten years.

Section 8. INTEREST: No bonds or warrants, revenue obligations or other evidences of indebtedness shall bear a rate of interest above five per cent per annum and the interest shall be made payable semi-annually on the first of any calendar month.

Section 9. SALES TO BE MADE AT NOT LESS THAN 98% OF PAR: No bonds, warrants, revenue obligations, or other evidences of indebtedness shall be sold at less than ninety eight (98) percent of par.

Section 10. EXCHANGES, REFUNDING AND LIQUIDATION: No bonds, warrants, revenue obligations or other evidences of indebtedness shall be exchanged for refunding bonds, warrants, revenue obligations or other evidences of indebtedness unless due or callable within ninety days and all refunded securities shall be cancelled simultaneously with the issuance of the new securities. All Wilcox County bonds, warrants, revenue obligations or other evidences of indebtedness originally incurred for highway or road construction which are not paid on or before maturity shall be refunded as claims against the gas tax funds accruing to Wilcox County. The interest and principal payments on all gas tax bonds, warrants or obligations issued against the county's share of the gas tax when the issue is for ten thousand dollars (10,000.00) or more, shall be deducted from Wilcox County's part of this tax by the State Comptroller and paid to the holder of the bonds, warrants, revenue obligations or other evidences of indebtedness.

Section 11. VALIDITY OF ALL EXISTING LEGAL CLAIMS: Nothing in this act shall be construed as in any way affecting or invalidating any outstanding bonds, warrants, revenue obligations or other evidences of indebtedness or shall prevent the refunding of any of these said claims that remain unpaid at the final maturity of the issue but neither the Probate Judge or any other member of the county governing body, or any authorized official of the county shall sign new bonds, warrants or other evidences of indebtedness, or refunding bonds or refunding warrants, or other evidences of claims not handled in accordance with the provisions affecting competitive bidding, publicity or any other provisions of this act.

Section 12. PAYMENT OF INCIDENTAL COSTS: The governing body or responsible officials issuing warrants, bonds, revenue obligations, or other evidences of indebtedness of the county may pay the cost of printing the warrants, bonds, revenue obligations, or other evidences of indebtedness, the cost of advertising the sale, the attorney's fees for preparing proceedings, the attorney's fees for furnishing an opinion as to legality acceptable to the purchaser, and other expenses incidental to the issue of said securities but only the actual cost thereof shall be paid and all such payments shall be made to those actually rendering such services and not to the purchaser of such securities in a lump sum or otherwise. No commission or other compensation shall be paid for procuring a purchaser of bonds, warrants, revenue obligations, or other evidences of indebtedness issued hereunder. The Probate Judge shall not sign any warrants, or checks in payment of any charges, fees or commissions which are contrary to these provisions.

Section 13. VALIDITY: Bonds, warrants, revenue obligations, or other evidences of indebtedness reciting that they are issued pursuant to the terms of this act shall in any action or proceeding involving their validity be conclusively deemed to be fully authorized thereby and to have been issued, sold, executed, and delivered in conformity therewith and with all other provisions of law applicable thereto and shall be incontestable, any thing herein or in other statues to the contrary notwithstanding, unless such action or proceeding is begun before or within thirty days after the day upon which the bonds, warrants, revenue obligations, or other evidences of indebtedness are delivered and paid for, and no irregularity in the proceedings to authorize the issue of said securities hereunder nor the omission or neglect of any

officer charged with the execution of any duties imposed by this article shall affect the validity of any said securities issued hereunder, provided the issuance of such securities shall have been properly approved by the county governing body.

Section 14. EXEMPTION FROM TAXATION: All bonds, warrants, revenue obligations, or other evidences of indebtedness and interest coupons attached to the same issued hereunder shall be exempt from state, county and municipal taxation

Section 15. The Probate Judge and other responsible officials shall not sign any bonds, warrants, revenue obligations or other evidences of indebtedness which are issued contrary to the provisions of this Act.

Section 16. REPEAL OF ALL LAWS IN CONFLICT: All laws or parts of laws in conflict with this act are hereby expressly repealed.

Section 17. SEVERANCE: If any section, clause, provision or portion of this act shall be held invalid or unconstitutional by any court of competent jurisdiction such invalidity shall not affect any other section, clause, provision, or portion of this act which is not itself invalid or unconstitutional; and it is now declared that the other parts or sections would have been enacted regardless of any section or parts of sections which might be held invalid or unconstitutional.

Section 18. EFFECTIVE DATE: This act shall take effect immediately upon the passage and approval of this act or its otherwise becoming law.

STATE OF ALABAMA,
WILCOX COUNTY.

Before me, Gussie Jones, a Notary Public in and for said State and County, this day appeared C. M. Watts, who being by me first duly sworn, deposes and says that he is the Editor and Publisher of the Wilcox Progressive Era, a newspaper of general circulation published in Wilcox County, Alabama; that the above and foregoing notice was published once a week for four consecutive weeks in the Wilcox Progressive Era, on to-wit: May 13, 1943, May 20, 1943, May 27, 1943, June 3rd, 1943 without cost to the State of Alabama.

C. M. WATTS,
Editor and Publisher of the Wilcox Progressive Era.

Sworn to and subscribed before me this, the 5 day of June, 1943.

(SEAL) GUSSIE JONES,
Notary Public, Wilcox County, Ala.

By Mr. Cater:

S. 344. To amend Section 53, Title 36, Code 1940.

Committee on Judiciary.

By Mr. Cobb:

S. 345. To provide that in all Inferior Courts of Record and all Circuit Courts in Counties in this State, that the Sheriff, or other officers of said Courts may serve any summons for Jury Duty by Registered Mail; and to provide, that return receipt signed by the party to be served shall be construed to be as personal, sufficient and legal service of all such processes; and to fix

the duty of the officers of said Courts in event that said processes are returned without being delivered to the addressee.

Committee on Judiciary.

By Mr. Newton:

S. 346. To provide for the construction and maintenance of adequate bath houses for all underground mines, and to provide that if the owner, operator, or lessee of such mine does not provide such bath house the same shall be a misdemeanor, and to provide for the punishment therefor.

Committee on Mining and Manufacturing.

By Mr. McCary:

S. 347. To amend Section 8, Title 60, Code of Alabama, 1940.

Committee on Public Welfare and Correctional Institutions.

By Mr. Cobb:

S. 348. To create a Purchasing Agency for Cherokee County, Alabama, to be composed of the President of the Board of Revenue of said county whose duties shall be to purchase all books, stationery, blanks, office equipment and office supplies for the several county offices, the jail, court house, and Alms house, hospitals and sanitariums, also the material and machinery of all and every kind for the building and maintaining of the roads, bridges ferries and buildings of said county and to define the powers and duties and term of office of said Purchasing Agency. To employ clerical assistance necessary to keep records of said Purchasing Agency and Board of Revenue.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

It it proposed to introduce and ask for passage in the 1943 Session of the Alabama Legislature the following Local Bill applicable to Cherokee County.

A Bill
To Be Entitled
AN ACT

To create a Purchasing Agency for Cherokee County, Alabama, to be composed of the President of the Board of Revenue of said County whose duties shall be to purchase all books, stationery, blanks, office equipment and office supplies for the esveral county offices, the jail, court house, and Alms house, hospitals and sanitariums, also the material and machinery of all and every kind for the building and maintaining of the roads, bridges, ferries and buildings of said county and to define the powers and duties and

term of office of said Purchasing Agency. To employ clerical assistance necessary to keep records of said Purchasing Agency and Board of Revenue.

Be It Enacted By The Legislature Of Alabama:

Section 1. That there is hereby created a Purchasing Agency for Cherokee County, Alabama, consisting of the President of the Board of Revenue for said county.

Section 2. The duties of said Purchasing Agency shall be to purchase for the county officials, the county offces and every department of the county, all books, stationery, blanks, office equipment and office supplies, printing and printed matter, blanks, forms, machinery of all and every kind, including tractors and trucks, all tools and material and supplies for the construction and maintenance of the roads, bridges and ferries, all material and supplies for the Court House, Jails, Alms House, Sanitariums and Hospitals of Cherokee County, and that it shall be the duty of said Purchasing Agency to purchase the same at the best prices obtainable, receiving competitive bids therefor, unless othewise provided in this Act.

Section 3. That such books, stationery, blanks, blank forms, printing, printed matters, supplies, office equipment, including road equipment, machinery, materials and supplies, trucks, tractors and all tools shall be furnished only upon written requisition setting forth the articles needed and signed by the officer for whose office or departmnt said articles are requested, and thereupon said purchasing agent shall make inquiry and ascertain whether the articles are necessary before purchasing the same and all invoices of such purchases, with said requisition attached shall be kept on file in the office of the President of the Board of Revenue of said County in alphabetical order as a permanent record subject to inspection by the public at all reasonable times; all purchases for the County in excess of One Hundred Dollars shall be by competitive bids as now provided by law and the President of the Board of Revenue shall keep or cause to be kept on file in the office of the President of the Board of Revenue all bids made in competitive bidding upon any material, equipment or supplies. That in case of emergency the President of the Bord of Revenue may make purchases of materials equipment and supplies in amounts not in excess of $100.00 and submit the same to the Board of Revenue for its approval at its next regular meeting, and upon approval thereof, shall be a legal and binding obligation of the county.

Section 4. That any purchase of machinery, material, equipment or supplies made under the authority herein for emergency purchases by the President of the Board of Revenue if, or when, broken up into lots, shipments, purchases or bills or amounts of less than One Hundred dollars so as to be made under the authority given herein to make emergency purchases, shall not be a legal and binding purchase, nor a legal and binding obligation upon Cherokee County Alabama, and payment thereon shall not be authorized nor allowed by the Board of Revenue. It being the intent of this Act to require all purchases of quantities or amounts of machinery, material and supplies of value in excess of One Hundred Dollars ($100.00) to be made upon requisition and competitive bids.

Section 5. That the term of offfice of the President of the Board of Revenue, as a member of said Purchasing Agency, shall be the same as his term of office as president of the Board of Revenue, of said County.

Section 6. That the President of the Board of Revenue is authorized, directed and empowered to employ such clerical help and assistance as may be deemed necessary to the proper efficient and economical operation of the

office of President of the Board of Revenue and Purchasing agency, same to be approved by the Board of Revenue.

Section 7. The Board of Revenue of said County shall require the officers of the various departments of said county so obtaining such articles, to be responsible for the same and to deliver the unused portion thereof to their successors in office.

Section 8. That all laws or parts of laws in conflict with the provisions of this Act in so far as they relate to Cherokee County, Alabama, be and the same are hereby expressly repealed.

Section 9. That if any paragraph, clause or part of this Act shall be declared to be unconstitutional, it shall not affect any other part or parts hereof.

Section 10. This Act shall take effect and be in force upon its passage and approval by the Governor or its otherwise becoming law. 9—4t.

STATE OF ALABAMA,
CHEROKEE COUNTY.

Before me, Thos. W. Bradford, Register Circuit Court in and for said State and County, this day personally appeared Joe M. Shaw, who being by me first duly sworn, deposes and says that he is the Editor and Publisher of Cherokee County Herald, a Newspaper of general circulation published in Cherokee County, Alabama; that the above and foregoing notice was published once a week for four consecutive weeks in Centre, Alabama, on to-wit: May 12th, May 19th, May 26th and June 2, 1943 without cost to the State of Alabama.

JOSEPH M. SHAW, SR.,
Editor and Publisher.

Sworn to and subscribed before me, this the 5th day of June, 1943.

THOS. W. BRADFORD,
(SEAL) Register Circuit Court.

By Mr. Cobb:

S. 349. To Create the office of President of the Board of Revenue in and for Cherokee County, Alabama, to provide for his appointment and or election: to provide for filling any vacancy in such office: to prescribe his qualifications, duties and powers, the manner and amount of his compensations, his oath of office, his official bond and provide for the payment of the premium thereon by the County.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

It is proposed to introduce and ask for passage in the 1943 Session of the Alabama Legislature the following Local Bill Applicable to Cherokee County.

A BILL
TO BE ENTITLED
AN ACT

To create the office of President of the Board of Revenue in and for Cherokee County, Alabama, to provide for his appointment an or election

to provide for filling any vacancy in such office: to prescribe his qualifications, duties and powers, the manner and amount of his compensations, his oath of office, his official Bond and provide for the payment of the premium thereon by the County.

Be It Enacted By The Legislature Of Alabama:

Section 1. That there is hereby ceated the office of President of the Board of Revenue in and for Cherokee County, Alabama.

Section 2. That said President of the Board of Revenue shall be a resident citizen and qualified elector of Cherokee County, Alabama, and over the age of twenty-five years. That said President of the Board of Revenue hereby created shall be elected by the qualified electors of Cherokee County, Alabama, at the general election to be held in the year 1946 and every six years thereafter and shall hold office for a term of six years, beginning on the first Monday after the second Tuesday in January next after his election and until his successor is elected and qualified, that immediately upon the approval of this Act the Governor of Alabama with the approval of the Senate shall appoint a President of the Board of Revenue who shall hold office until the first Monday after the second Tuesday in January, 1947, and that any time should a vacancy occur in said office of President of the Board of Revenue, the Governor shall make appointment for the unexpired term.

Section 3. The President of the Board of Revenue shall take the oath of office required by members of the Board of Revenue or like governing body and shall furnish good and sufficient Bond executed by some Surety Company, authorized to do business in Alabama, in the penal sum of Ten Thousand ($10,000.00) Dollars payable to Cherokee County, Alabama to be approved by the Judge of Probate of Cherokee County, Alabama, and conditioned upon the faithful performance of his duties as required by law, and the premium on said bond to be paid by Cherokee County, Alabama.

Section 4. The President of the Board of Revenue shall receive a salary of Eighteen Hundred ($1800.00) Dollars per annum, payable in equal monthly installments of One Hundred Fifty ($150.00 Dollars; and shall be the presiding officer of the Board, and in addition to the rights duties and powers designated in this Act, he shall exercise and perform all other rights and duties in relation to the Board of Revenue, and shall be liable to the same pains and penalties in connection therewith as are now exercised by Judges of Probate of the several counties of this State as provided by the general law of the State, in relation to Boards of Revenue Court of County Commissioners, or other like governing bodies.

Section 5. That all laws or parts of laws in conflict herewith be and the same are hereby expressly repealed.

Section 6. That if any Section, part or paragraph of this Act shall be declared to be unconstitutional it shall not affect any other part, paragraph or Section thereof.

Section 7. This Act shall take effect and be in force on the first day of August 1943 upon its approval by the Governor or its otherwise becoming law. 9—4t.

STATE OF ALABAMA,
CHEROKEE COUNTY.

BEFORE ME, Thos. W. Bradford, Register Circuit Court, in and for said State and County, this day personally appeared Joe M. Shaw, Sr., who being by me first duly sworn, deposes and says that he is

the editor and Publisher of Cherokee County Herald, a newspaper of general circulation published in Cherokee County, Alabama; that the above and foregoing notice was published once a week for four consecutive weeks in Centre, Alabama, on to-wit: May 12th, May 19th, May 26th and June 2, 1943 without cost to the State of Alabama.

JOSEPH M. SHAW, SR.
Editor and Publisher.

Sworn to and subscribed before me, this the 5th day of June, 1943.

(SEAL) THOS. W. BRADFORD,
Register Circuit Court.

By Mr. Cobb:

S. 350. To amend an Act entitled an Act "To create and establish a Board of Revenue in and for Cherokee County, Alabama, to be composed of four members; to provide and designate a Chairman of such Board, to fix the qualifications of the members of said Board, to provide where the members of said Board shall reside during their term of office: to divide said county into four districts and define the boundaries of said Districts, to designate, declare and appoint a member from each of said districts and to define the term of office of each of said members of the Board of Revenue so designated, declared and appointed: to provide for the appointment of the Chairman of said Board and to fix the term of his office under said appointment; provide for the filling of vacancies in said Board, to provide for the designation of the Chairman of said Board, designated declared and appointed by this Act, at the expiration of their respective terms of office, to define the duties, powers and authority of the Chairman and members of said Board, to fix the place and time of their meeting and to provide for the compensation of the members thereof. To provide for their official bonds, and for the payment of by the County of the premium thereon. To provide when this Act shall take effect: to provide that any section or provisions of this Act being held invalid shall not affect the validity of any other section or provision; and the repeal of all laws or parts of laws in conflict with the provisions of this Act. in so far as they apply to Cherokee County, Alabama. This Act becomes a law under Section 125 of the Constitution of August 22, 1939. By amending Sections 8, 11, and 12 of said Act.

Committee on Local Legislation.

Wtih notice and proof thereto attached and herewith exhibited as follows:

It is proposed to introduce and ask for passage in the 1943 Session of the Alabama Legislature the following Local Bill Applicable to Cherokee County.

A BILL TO BE ENTITLED
AN ACT

To amend an Act entitled an Act

"To create and establish a Board of Revenue in and for Cherokee County, Alabama, to be composed of four members; to provide and designate a Chairman of such Board, to fix the qualifications of the members of said Board, to provide where the members of said Board shall reside during their term of office, to divide said County into four districts and define the boundaries of said Districts, to designate, declare and appoint a member from each of said Districts and to define the term of office of each of said members of the Board of Revenue so designated, declared and appointed; to provide for the appointment of the Chairman of said Board and to fix the term of his office under said appointment; provide for the filling of vacancies in said Board, to provide for the designation of the Chairman of said Board, designated, declared and appointed by this Act, at the expiration of their respective terms of office, to define the duties, powers, and authority of the Chariman and members of said Board, to fix the place and time of their meeting and to provide for the compensation of the members thereof. To provide for their official bonds, and for the payment by the County of the premium there on. To provide when this Act shall take effect; to provide that any section or provisions of this Act being held invalid shall not affect the validity of any other section or provision: and the repeal of all laws or parts of laws in conflict with the provisions of this Act, in so far as they apply to Cherokee County, Alabama.

This Act became a law under Section 125 of the Constitution on August 22, 1939; By amending Section 8, 11 and 12 of said Act.

Be It Enacted By The Legislature Of Alabama:

Section 1. That Section 8 of an Act enttiled An Act: "To create and establish a Board of Revenue in and for Cherokee County, Alabama, to be composed of four members; to provide and designate a Chairman of such Board, to fix the qualifications of the members of said Board, to provide where the members of said Board shall reside during their terms of office, to divide said county into four districts and define the boundaries of each of said districts to designate declare and appoint amember from each of said Districts, and to define the term of office of each of said members of the Board of Revenue so designated, declared and appointed: to provide for the appointment of the Chairman of said Board and to fix the term of his office under said appointment; to provide for the filling of vacancies in said Board, to provide for the designation of the chairman of said board, designated declared and apopinted by this Act, at the expiration of their respective terms of office, to define the duties, powers and authority of the Chairman and members of said Board, to fix the time and place of their meeting and provide for the compensation to the members thereof. To provide for their official Bonds and for the payment by the County of the premium thereon. To provide when this Act shall take effect: to provide that any section or provision of this Act being held invalid shall not affect the validity of any other section or provision; and the repeal of all laws or parts of laws in conflict with the provisions of this Act in so far as they apply to Cherokee County, Alabama."; which said Act becomes a law under Section 125 of the Constitution on August 22, 1939. Be and the same is hereby amended so as to read as follows: "Section 8. A majority of said Board of Revenue shall constitute a quorum for the transaction of business and no funds or monies belonging to the County shall be paid out or warrants draws thereon except when and as authorized by said Board of Revenue and a list or registry of all sums drawn or paid out, together with the nature of the claims and

the name of the person to whom paid or in whose favor drawn shall be kept by the President of the Board of Revenue, which list or registry shall become a permanent record in the office of the President of the Board of Revenue."

Section 2. It is further enacted that Section 11 of said Act be and is hereby amended so as to read as follows: "Section 11. The President of the Board of Revenue of Cherokee County, Alabama, shall be and is hereby made the presiding officer of said Board of Revesue, and it shall be his duty to preside at all meetings of the Board of Revenue, but shall not be entitled to vote on any question, proposition, or proposal that may come before the Board of Revenue, except in case of a tie vote, in which event the President of the Board of Revenue shall cast the deciding vote."

Section 3. It is further enacted that Section 12 of said Act be, and the same is hereby amended so as to read as follows: "Section 12. The President of the Board of Revenue of Cherokee County, Alabama, shall keep or cause to be kept, a complete and accurate account of all the proceedings of the Board of the Board of Revenue, which shall be termed and designated "Minutes of the Board of Revenue," and shall be kept as a permanent record in the office of the President of the Board of Revenue, that he shall keep such records as are now or may hereafter be prescribed by th State Comptroller or other Director of the Budget Control Act, and the Uniform Accounting System of the State of Alabama."

Section 4. That all laws and parts of laws in conflict herewith be and the same are hereby expressly repealed.

Section 5. That if any Section, part or paragraph of this Act shall be declared to be unconstitutional, it shall not affect any other part, paragraph or section thereof.

Section 6. That this Act shall take effect and be in force upon its approval by the Governor or its otherwise becoming law. 9-4t

STATE OF ALABAMA,
CHERROKEE COUNTY.

BEFORE ME, Thos. W. Bradford, Register Circuit Court in and for said State and County, this day personally appeared Joe M. Shaw, who being by me first duly sworn, deposes and says that he is the editor and Publisher of Cherokee County Herald, a newspaper of general circulation published in Cherokee County, Alabama; that the above and foregoing notice was published once a week for four consecutive weeks in Centre, Alabama, on to-wit: May 12th May 19th May 26th and June 2 1943 without cost to the State of Alabama.

JOSEPH M. SHAW, SR.,
Editor and Publisher.

Sworn to and subscribed before me, this the 5th day of June, 1943.

THOS. W. BRADFORD,
(Seal) Register Circuit Court.

By Mr. Cobb:

S. 351. To amend an Act to be entitled an Act "To further provide for the control, making, maintenance, building and improvement of the public roads and bridges of Cherokee County, Alabama, to create the office of Road Supervisor for said county, to provide for his election or appointment, discharge and removal; to fix his qualifications and prescribe his duties, powers and authority. To provide for a Purchasing Agent for purchasing material, equipment and supplies for the public roads and bridges

in Cherokee County, Alabama. To prescribe the methods for making such purchases, the manner of allowance and payment of claims against the county, approved by such purchasing Agent; to fix his compensation and manner of payment to make appropriations or allowances for his expenses and manner of payment, to fix his Bond and to provide for the approval of same and for the payment of the premium thereon by the County. To provide when this Act shall take effect; to provide that any section or provision of this Act being held invalid shall not effect the validity of any other section or provision; and the repeal of all laws or parts of laws in conflict with the provisions of this, insofar as they apply to Cherokee County, Alabama, Approved August 24, 1939," by amending sections "3" "6" 7' and 10' of said Act and by repealing section 11 of said Act.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

It is proposed to introduce and ash for passage in the 1943 session of the Alabama Legislature the following local Bill applicable to Cherokee County, Alabama:

Notice is hereby given that at the Regular Session of the Alabama Legislature beginning May 4, 1943 there will be introduced, and application will be made for the passage of, a local bill, in substance as follows:

A Bill
To Be Entitled
An Act

To amend an Act to be Entitled an Act "To further provide for the control, making, maintenance, building and improvements of the public roads and bridges of Cherokee County, Alabama, to create the office of Road Supervisor for said county, to provide for his election or appointment, discharge and removal; to fix his qualifications and prescribe his duties, powers and authority. To provide for a Purchasing Agent for purchasing material, equipment and supplies for the public roads and bridges in Cherokee County, Alabama. To prescribe the methods for making such purchases, the manner of allowance and payment of claims against the county, approved by such purchasing agent; to fix his compensation and manner of payment to make appropriations or allowence for his expenses and manner of payment, to fix his bond and to provide for the approval of same and for the payment of the premium thereon by the County. To provide when this Act shall take effect; to provide that any section or provision of this Act being held invalid shall not affect the validity of any other section or provision; and the repeal of all laws or parts of laws in conflict with the provisions of this, insofar as they apply to Cherokee County, Alabama, Approved August 24, 1939," by amending sections "3" "6" 7' and 10' of said Act and by repealing section 11 of said Act.

Section 1. Be It Enacted by the Legislature of Alabama, that Section "3" of an Act Entitled an Act: "To further provide for the control making,

maintenance, building and improvement of the public roads and bridges of Cherokee County, Alabama. To create the office of Road Supervisor for said County, to provide for his election or appointment, discharge and removal. To fix his qualifications and prescribe his duties, powers and authority. To provide for a Purchasing Agent for purchasing material, equipment and supplies for the public roads and bridges in Cherokee County, Alabama, To prescribe the methods for making such purchases, the manner of allowances and payment of claims against the County, approved by such Purchasing Agent. To fix his compensations and manner of payment to make appropriations of allowances for his expenses and manner of payment, to fix his Bond and to provide for the approval of same and for the payment of the premium thereon by the County. To provide when this Act shall take effect; to provide that any Section or Provision of this Act being held inviald shall not affect the validity of any other Section or provision; and the repeal of all laws or parts of laws in conflict with the provisions of this Act, insofar as they apply to Cherokee County, Alabama." Approved August 24, 1939, Be and the Same is hereby amended so as to read as follows: "Section "3". That the person so appointed as Road Supervisor of Cherokee County, Alabama shall be a Civil Engineer with at least three years experience in constructing, building and maintaining of roads, bridges and ferries and during his term of office shall devote his entire time to the duties thereof; and shall during his term of office reside in Cherokee County, Alabama, that before entering upon the discharge of the duties of such office, the Road Supervisor shall furnish good and sufficient Bond, executed by some Surety Company authorized to do business in Alabama, in the penal sum of Five Thousand Dollars ($5000.00) payable to Cherokee County, Alabama, to be approved by the Judge of Probate of Cherokee County, Alabama, and conditioned upon the faithful performances of his duties as required by law and the premium on said Bond to be paid by Cherokee County, Alabama."

Section 2. Be it further Enacted that Section 6 of said Act be and the same is hereby amended so as to read as follows: Section 6. That no funds of Cherokee County, Alabama, shall be expended or any liability created against said County on account of the construction, maintenance or repairs of the public roads, bridges and ferries of Cherokee County, Alabama, for supervision, labor, supplies, machinery or equipment in any other manner than is provided by the terms of this Act.

Section 3. Be it further Enacted that Section 7 of said Act be and the same is hereby amended so as to read as follows: Section 7. That the arthority of said Road Supervisor shall be limited to the expenditure of such funds for the purpose of construction, maintenance or repairs of the public roads, bridges and ferries of Cherokee County, as may be set aside and appropriated by the Board of Revenue of Cherokee County as hereafter provided; it shall be the duty of the Board of Revenue or like governing body of Cherokee County at some meeting in September of each calendar year or not later than the first meeting in October following, shall by order or resolution spread upon the minutes of said Court, fix and determine the amount of funds which will be available for the purpose of building, maintaining and constructing the public roads, bridges and ferries of Cherokee County for the current fiscal year beginning on October first and which amount other than the salary of the said Road Supervisor and his necessary expenses shall not be exceeded by him in constructing, maintaining and repairing the public roads, bridges and ferries in Cherokee County during said period, provided however that said Board of Revenue or like governing body is authorized from time to time within any such period to increase the amount so allowed to be expended by said Road Supervisor during any such period when such authorization will not conflict with the general law

as provided under the Budget Act, Title 12, Section 74—1940 Code of Alabama.

Section 4. Be it further Enacted that Section 10 of said Act be and the same is hereby amended so as to read as follows: Section "10" That the duty and authority as to the building, maintaining or repairing of the public roads, bridges and ferries in Cherokee County, Alabama, be and the same is hereby vested in said Road Supervisor as herein set forth; and to the end that said Road Supervisor is given the duty, power and authority to employ or hire teams, machines, trucks and necessary equipment, and all necessary employees, including rodmen, axemen and chainmen necessary for surveying roads and rights of way, all ferrymen, Road Foremen, and all other necessary employees, laborers or helpers to properly construct, maintain and repair the roads, bridges and ferries; and the Road Supervisor shall have the authority and power to prescribe their duties; fix their compensations and to discharge any of said employees, with or without cause; that said Road Supervisor shall not employ as an employe, laborer or helper under authority of this Act, any person related either to him or any official of Cherokee County, Alabama by blood or marriage within the second degree. All materials, machinery, equipment and necessary supplies needed for the construction, maintenance or repair of the public roads, bridges and ferries of Cherokee County, Alabama, shall be purchased by the President of the Board of Revenue, under authority vested in him as Purchasing Agency for Cherokee County only after written requisition therefor by the Road Supervisor, which requisition shall be in writing and stating the amount, quality and nature thereof, one copy of such requisition to be submitted to the Solicitor of Cherokee County, one copy to the Judge of Probate, the original to be kept by the President of the Board of the Board of Revenue, each of said copies of such requisition shall be kept in the office of above referred to County officials, open to and for inspection by the public at all times. That upon the filing and approval of each of such requisitions it shall be the duty of the said President of the Board of Revenue within the limits provided by this Act and the authority vested in the President of the Board of Revenue, as the Purchasing Agency for Cherokee County, to make purchase of such materials, machinery, equipment and necessary supplies and the same shall be paid for by the Board of Revenue out of any funds available for that purpose, other than the General Funds of said County; but only upon proper claims filed and approved by said Purchasing Agent. It shall be the duty of said Road Supervisor to inspect all materials, machinery, equipment and supplies purchased by Cherokee County, Alabama for the use on public roads, bridges and ferries when the same is delivered in Cherokee County, and shall not be accepted and paid for without first having been approved by him.

Section 5. Be it further Enacted: That Section 11 of said Act be and the same is hereby repealed.

Section 6. That all laws and parts of laws in conflict herewith, are hereby expressly repealed.

Section 7. That if any paragraph, part or parts of this Act shall be declared unconstitutional, it shall not effect any other part or parts hereof.

Section 8. That this Act shall take effect and be in force upon its approval by the Governor or its otherwise becoming law.

STATE OF ALABAMA,
CHEROKEE COUNTY.

BEFORE ME, Thos. W. Bradford, Register Circuit Court in and for said State and County, this day personally appeared John B. Shropshire

who being by me first duly sworn, deposes and says that he is the Editor and Publisher of The Coosa River News, a newspaper of general circulation published in Cherokee County, Alabama: that the above and foregoing notice was published once a week for four consecutive weeks in Centre, Alabama, on to-wit: May 14th, May 21st, May 28th and June 4, 1943 without cost to the State of Alabama.

JOHN B. SHROPSHIRE,
Editor and Publisher.

Sworn to and subscribed before me, this the 5 day of June, 1943.

(SEAL) THOS. W. BRADFORD,
Register Circuit Court, County, Alabama.

By Messrs. Simpson, Henderson, Garrett and Espy:

S. 352. To provide for a refund of a certain portion of the State excise tax on gasoline when the gasoline is used for agricultural purposes; to provide the manner of effecting such refund; to authorize the Commissioner of Revenue to make rules and regulations to carry out the provisions of this act; to make the violation of this act and the rules and regulations promulgated hereunder a misdemeanor, and to provide the punishment therefor.

Committee on Agriculture.

By Mr. Simpson:

S. 353. To provide for deductions from penitentiary and hard labor sentences for good conduct.

Committee on Judiciary.

REPORTS OF COMMITTEES

Mr. Simpson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Martin (with amendment):

H. 520. To amend Section 463, Title 51 of the Code of Alabama of 1940.

By Mr. Lawson:

S. 318. To appropriate five thousand dollars out of the General Fund to the Attorney General in his Capacity as Securities Commissioner of Alabama.

By Mr. Carlton:

S. 330. To provide for the investment in United States Government Bonds of funds held in trust pursuant to he provisions of the Income Tax Amendment to the Constitution of Alabama for

the payment of State of Alabama Refunding Bonds dated July 1, 1935.

By Mr. Sessions:

H. 389. To provide for a commission to be appointed from the Legislature for the purpose of having made an actuarial study, and having prepared a retirement plan for State employees, and to appropriate the sum of forty-five hundred dollars to pay the cost thereof.

Mr. Cobb, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Cater (with notice and proof):

S. 331. To amend Section 15 of an Act entitled "An Act to create, establish and regulate an Inferior Court or Court of Common Pleas for the County of Montgomery; to provide and define the jurisdiction of said Court, and the terms thereof; to provide for the judge and officers of such Court, and their powers, duties and compensation; to fix the term of office for such judge, and to fix the fees and costs for such Court; to provide rules of procedure for said Court, and for the operation thereof; and for the transfer of cases to the Court hereby created; and to provide for registering, and in lien of its judgements; and to abolish justices of the peace in all precincts lying within or partly within the City of Montgomery." Ap. Mch. 15, 1939.

By Mr. Cater (with notice and proof):

S. 332. To fix the salary of the Clerk of the Court of Common Pleas of Montgomery.

By Mr. Payne (with notice and proof):

H. 585. To alter and enlarge the corporate limits of the City of Sylacauga, Talladega County, Alabama, and to define the boundaries thereof.

By Mr. Thomas (with notice and proof):

H. 589. To fix the compensation, salary and allowances to be paid to the Sheriff of Montgomery County, and to regulate the office of said Sheriff, and to impose additional duties upon said Sheriff, and to provide for Deputies and other assistants to said Sheriff, and the selection and appointment thereof, and the manner of fixing their compensation and to provide for paying the same, to provide for the Board of Revenue to authorize additional Deputies

in an emergency and upon the request of the Sheriff and to fix their compensation, and to provide for the payment of premiums on the bonds of the Sheriff and Deputies, and to authorize and empower and require the Board of Revenue of Montgomery County, or other court of like jurisdiction, to provide and furnish the said Sheriff with necessary quarters, books, stationery and other necessities and conveniences to the said Sheriff of Montgomery County, and to provide for the payment of same.

By Mr. Thomas (with notice and proof):

H. 590. For the relief of Mrs. Elsie Thomas by the payment of her compensation for the expense incurred for a gun shot wound suffered by her deceased husband, Marvin Brinson, while he was in the line of and performing his duty as Deputy Sheriff for the County of Montgomery, State of Alabama.

By Mr. Petrey (with notice and proof):

H. 592. To validate the unfunded indebtedness of the Crenshaw County Board of Education and to provide for the payment of said indebtedness.

Mr. Madison, chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Wood:

H. 271. To amend Sections 54, 90, 92, 103, 111, 127, 159, 174, 197, 309, 333, 361, 432, and 433 of Title 52 of the Code of Alabama of 1940, all of which relate to public education in Alabama.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills and House joint resolutions, your signature thereto is requested.

H. 437. To Fix the Compensation Or Salary To Be Paid The Tax Collector of Etowah County, Alabama, And To Regulate The Payment Of The Same; To Provide For Compensation of Clerks, Deputies, Clerical Assistants and Other Expenses in Said Office of The Tax Collector of Etowah County, Alabama, and To Require Said Tax Collector To Collect All The Fees, Compensation and Allowances Heretofore Or Hereafter Authorized to Be Collected By Him, Including Compensation Payable To Him For

Collecting Ad Valorem taxes For The Several Municipalities In Etowah County, And To Pay Same Into The County Treasury Of Etowah County; To Provide For The Payment Of The Salary Or Compensation Of Said Tax Collector Of Etowah County, And The Clerks, Deputies And Other Clerical Assistants, And Other Office Expenses Out Of The Funds Of Etowah County, And To Provide Rules and Regulations For The Management And Operation Of Such Office Made Necessary By Changing The Method And Basis of Compensation Of Such Tax Collector, And To Prescribe When This Act Shall Go Into Effect.

Also:

H. 438. To Fix the Compensation Or Salary To Be Paid The Tax Assessor Of Etowah County, Alabama, And To Regulate The Payment Of The Same; To Provide For Compensation of Clerks, Deputies, Clerical Assistants and Other Expenses In Said Office Of The Tax Assessor of Etowah County, Alabama, And To Require Said Tax Assessor To Collect All Fees, Compensation And Allowances Heretofore Or Hereafter Authorized To Be Collected by Him, Including Compensation Payable To Him For Making Ad Valorem Tax Assessments For The Several Municipalities In Etowah County, And To Pay Same Into The County Treasury Of Etowah County; To Provide For The Payment Of The Salary Or Compensation Of Said Tax Assessor Of Etowah County, and The Clerks, Deputies And Other Clerical Assistants And Other Office Expenses Out Of The Funds Of Etowah County, And To Provide Rules And Regulations For The Management and Operation Of Such Office Made Necessary By Changing The Method And Basis Of Compensation Of Said Tax Assessor, And To Prescribe When This Act Shall Go Into Effect.

Also:

H. 439. To Fix The Compensation Or Salary To Be Paid The Judge Of Probate Of Etowah County, Alabama, And To Regulate The Payment Of The Same; To Provide For The Compensation of Clerks, Deputies, Clerical Assistants And Other Expenses In The Probate Office Of Etowah County, Alabama, And To Require Said Judge Of Probate To Collect All The Fees, Compensation And Allowances Heretofore Or Hereafter Collected By Said Judge Of Probate, And To Pay Same Into The County Treasury Of Etowah County; To Provide For The Payment of The Salary Or Compensation Of Said Judge Of Probate And The Clerks, Deputies And Other Clerical Assistants, And Other Office Expenses, Out Of The Funds Of Etowah County, And To Provide Rules And Regulations For The Management And Operation Of

Such Office Made Necessary By Changing The Method And Basis Of Compensation Of Such Judge Or Probate, And To Prescribe When This Act Shall Go Into Effect.

Also:

H. 526. To authorize the Chambers County Board of Education to pay to J. S. Phillips the principal amount of a note for One Thousand Dollars executed by the Trustees of the Chambers County Training School of LaFayette, Alabama, on August 20, 1919, together with interest thereon from date from date of maturity at not exceeding four per cent per annum.

Also:

H. 543. To repeal "An act to authorize and require the Board of Education of Montgomery County, Alabama, to provide a pension or retiring allowance for teachers who have served in the public schools of Montgomery County, Alabama," approved September 5, 1939; and to provide pension retiring allowances for teachers heretofore placed on the retired list by the Board of Education of Montgomery County, Alabama; and to authorize said Board to supplement retirement allowances under the State Teachers' Retirement System for teachers who may retire as members of said State Retirement System on or before July 1, 1950.

Also:

H. J. R. 12. That Senate bill #15 be disignated as the Walton-Hooton Bill.

Also:

H. J. R. 13. That Senate bill 17, be designated the Hooton-Walton Bill.

Also:

H. J. R. 45. Relative to the State accepting a marble portrait bust of Governor Thomas Good Jones.

Also:

H. J. R. 46. Since the war effort of Alabama is being seriously threatened by the tyrannical and treasonable conduct of John L. Lewis, the Legislature of Alabama does condemn and denounce his unpatriotic and unAmerican actions.

R. T. Goodwyn, Jr.,
Clerk.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTIONS

The President of the Senate, in the presence of the Senate after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and House joint resolutions; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Ard:

H. J. R. 49. RESOLVED by the House of Representatives, the Senate concurring, that the two houses meet in joint session, Thursday, June 10th, at eleven A. M. to hear an address by the Hon. Henry B. Steagall.

And sends same herewith to the Seante for its consideration.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The resolution, H. J. R. 49, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Smyer:

H. 329. To appropriate moneys for the retirement of the public debt of the State of Alabama, for a sinking fund for the retirement of Class A Renewal, Class C Renewal and Funding Renewal Bonds, and for the payment of principal on Harbor Improvement Bonds, as they severally mature, for each of the fiscal years ending September 30, 1944 and September 30, 1945.

Also:

By Mr. Norman of Bullock:

H. 431. To amend Section 502, Title 51 of the Code of 1940.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees as follows:

H. 329, to the Committee on Finance and Taxation.

H. 431, to the Committee on Forestry and Conservation.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following Senate joint resolutions with the original Senate joint resolutions, and finds same correctly enrolled, to-wit:

S. J. R. 4. The establishment of a Jewish Homeland in Palestine.

Also:

S. J. R. 5. Relative to the Legislature of Alabama calling upon our Senators and Representatives in the National Congress from Alabama to seriously consider the advisability of having Congress submit to the several states of this Union a constitutional amendment embodying the provision that Congress shall have the right to radify any peace treaty submitted to it by a simple majority vote of the members rather than by a two-thirds majority as now required by law.

Also:

S. J. R. 12. Be it resolved that House Bill No. 21 be designated as the Coburn-Bradford Bill.

Also:

S. J. R. 13. Relative to the designating of Senate Bill #51 as the Bradford-Cole Bill.

Also:

S. J. R. 17. Relative to that Senate Bill 26 be designated as the Pinson-Gullatt Bill.

Also:

S. J. R. 26 Relative to House Bill No. 85 be designated as the Sullivan-Taylor Bill.

Also:

S. J. R. 30. Relative to naming House Bill 45 the Hodo-Madison Bill.

Also:

S. J. R. 36. Senate Bill No. 21 be known as the Madison-Norman Bill.

Also:

S. J. R. 37. Relative to inviting Honorable Homer Challioux, Chairman of the Committee on Americanism of the American Legion and the entire membership of Boy's State to assemble with the Senate and House of Representatives of Alabama, Thursday, June 10, 1943, and to request Honorable Homer Challioux to deliver an address at that time.

Also:

S. J. R. 40. Relative to inviting Honorable Henry B. Steagall to address the Legislature of Alabama in a joint session.

Also:

S. J. R. 42. Relative to abolishment of Poll Tax by the Federal Government.

Sam High,
Chairman.

SIGNING OF SENATE JOINT RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate joint resolutions; the titles of which are set out in the foregoing Report from the Committee on Enrolled Bills.

ORDER TO PRINT

On motion of Mr. Kilborn, 500 copies of the bill: S. 341, were ordered printed for the use of the Senate.

RESOLUTION

Mr. St. John (Lawrence) offered the following Senate joint resolution, to-wit:

S. J. R. 47. In view of the fast approaching end of the regular session and in further consideration of the fact that many Senate Bills are on the Senate Calendar and that many House Bills are one the House Calendar which should have consideration

THEREFORE, BE IT RESOLVED by the Senate, the House concurring, that Senate Bills be given prior order in the Senate and that House Bills be given prior order in the House throughout the 40th legislative day.

Which was read and referred to the Standing Commmittee on Rules.

MOTION TO RECONSIDER VOTE

Mr. Kilborn moved that the Senate do now reconsider the vote by which the bill:

S. 44. To prohibit the indisicriminate disclosure of certain records filed with the state registrar of vital statistics and local custodians of birth and death certificiates.

Passed the Sentae on the 31st day, and which motion to reconsider was carried over from the thirty-second day.

Mr. St. John (Lawrence) moved to table the motion to reconsider the vote by which the bill passed, which motion was lost.

Yeas, 11; Nays 17.

Yeas:

Messrs.:	Dodson	High	Newton
Benson	Goodwin	Jones	St. John (Cullman)
Bradford	Henderson	Lawson	St. John (Lawrence)

—11

Messrs.:	Cobb	Madison	Simpson
Bentley	Garrett	McCary	Smith
Black	Hill	Pinson	Taylor
Carlton	Hornsby	Shaver	Toomer
Cater	Kilborn		

Nays: —17

The question then recurred on the motion of Mr. Kilborn to reconsider the vote by which the bill passed, which motion prevailed.

Yeas, 16; Nays, 14.

Yeas:

Messrs.:	Garrett	McCary	Simpson
Bentley	Hill	Pinson	Smith
Carlton	Kilborn	St. John (Cullman)	Taylor
Cater	Madison	Shaver	Toomer
Cobb			—16
Messrs.:	Dodson	High	Lawson
Benson	Espy	Hornsby	Newton
Black	Goodwin	Jones	St. John (Lawrence)
Bradford	Henderson	Kelly	
Nays:			—14

Mr. St. John (Lawrence) moved that the Senate reconsider the vote by which the bill was ordered to its third reading and engrossment, which motion prevailed.

Mr. St. John (Lawrence) then offered the following amendment to the bill, to-wit:

To amend S. Bill 44 by striking from said bill the words "custodian or custodians" wherever they appear and inserting in lieu thereof the word "registrar."

Mr. Kilborn then moved that the Senate indefinitely postpone further consideration of the bill, S. 44, and pending amendment.

Mr. St. John (Lawrence) moved to lay the motion to indefinitely postpone on the table, which motion was lost.

Yeas, 13; Nays, 16.

Yeas:

Messrs.:	Dodson	High	Lawson
Benson	Espy	Jones	Newton
Black	Goodwin	Kelly	St. John (Lawrence)
Bradford	Henderson		—13
Messrs.:	Garrett	Madison	Shaver
Bentley	Hill	McCary	Simpson
Carlton	Hornsby	Pinson	Smith
Cater	Kilborn	St. John (Cullman)	Taylor
Cobb			—16

And said bill, S. 44, and pending amendment, was indefinitely postponed by the Senate, on motion of Mr. Kilborn.

REPORT FROM RULES COMMITTEE

Mr. Carlton, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 49. Relative to joint session to hear address of Hon. Henry B. Steagall Thursday, June 10th, at eleven A. M.

And said resolution was then adopted by the Senate.

RESOLUTION

The Rules Committee offered the following Senate resolution, to-wit:

S. R. 48. Be it resolved by the Senate that on Wednesday, June 9th, 1943 committees of the Seante hold no committee meetings except of an emergency character, and that the Senate devote the entire day, both morning and afternoon and evening if deemed necessary, to consider pending bills in an attempt to clear its calendar.

And that on Thursady, June 10th, the entire day be given over to committee hearings, except that the Senate meet at 11 A. M. in joint session with the House to hear the Honorable Henry Steagall, and immediately thereafter to hear the Honorable Homer Challioux, and that all persons having matters before committees of the Senate requiring a substantial time for presentation, be requested if possible, to make no engagements with committee Chairmen for hearings on Thursday.

Which was adopted.

COMMUNICATION FROM THE GOVERNOR

State Of Alabama
Executive Department
Montgomery

June 8, 1943.

Honorable James A. Simpson,
President Pro Tem of the Senate,
Montgomery, Alabama.

Dear Jim:—

May I suggest that requests for salary increases should be looked into carefully and some definite plan adopted for raises, if any which may be thought wise by the Legislature.

As you know, the lower bracket employees are the ones who need consideration now. The Personnel Board has been recommending some raises for those in the lower brackets, that is, those whose monthly compensation does not exceed a certain level. These recommendations are based largely on a 10% increase over present levels.

The guarantee of retirement benefits to any employee should, to my way of thinking, be considered always in fixing salaries.

Increased costs of living and increased tax demands are incidents of the war. The State cannot be expected to make restitution here.

Incidental or makeshift addition of small duties does not justify raises in pay.

Might I suggest that, in salary raising we take into consideration the above suggestions and make increases at this time, if the Legislature sees fit to make any at all, on the basis of approximately 10%.

All increases shall be limited to the biennium ending October 1, 1945.

Sincerely yours,

CHAUNCEY SPARKS,
Governor.

The above communication from the Governor was read and ordered spread upon the Journal.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Snyder:

H. 528. To amend Section 132 of Title 62 of the Code of Alabama of 1940.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee, to-wit:

H. 528, to the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Gwin (by request):

H. 376. For the relief of William Roy Hathaway.

By Mr. Locke:

H. 583. To amend Section 67 of Title 36 of the 1940 Code of Alabama.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees as follows:

H. 376, to the Committee on Finance and Taxation.

H. 583. to the Committee on Public Roads and Highways.

MESSAGE FROM THE HOUSE

The House has concurred in and adopted the Senate amendment to the bill:

H. 469. To amend Section 86, of Title 55, of the 1940 Code of Alabama.

R. T. Goodwyn, Jr.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills and returns same herewith to the Senate:

S. 208. To create the office of County Solicitor of Cherokee County; to provide for his election, and the method of appointment in the event of a vacancy; to fix his salary and define his powers and duties; and to repeal all general and local laws in conflict herewith so far as they relate to Cherokee County.

Also:

S. 210. To fix the salary of the Judge of Probate of Cherokee County, Alabama, The Tax Collector of Cherokee County, the Tax Assessor of Cherokee County, the Clerk of the Court of Cherokee County, the Register in Chancery of Cherokee County, the Deputy Solicitor of Cherokee County, the Sheriff of Cherokee County; to provide for his deputies and to provide for clerical assistance and other expenses of said offices of Probate Judge and Sheriff; to require each of said officers to collect all the fees, compensation and allowances heretofore collected by said officers and which may hereafter be collected by said officers and cover same into the County Treasury on or before the fifth day of each month, and to provide for the payment of the salary of clerical assistance and other office expense by the Treasury of the County.

Also:

S. 217. To establish a Law and Equity Court for Cherokee County, Alabama; to define its jurisdiction and powers; to provide for its officers, their powers and duties and compensations, to provide that said court shall be open at all times for the trial of cases and transaction of business; to provide the rules and procedure of said court; to provide a fine and forfeiture fund for said court; to provide for the transfer of certan causes now or hereafter pending in the Circuit Court and the Juvenile Court of Cherokee County, Alabama, to the Cherokee Law and Equity Court; and to abolish the County Court of Cherokee County, Alabama; and to give the said court Juvenile Jurisdiction.

R. T. Goodwyn, Jr.,
Clerk.

CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Lawson, further consideration of the bill: H. 192, was indefinitely postponed by the Senate.

UNFINISHED BUSINESS

The bill:

H. 495. To amend Section 154, of Title 41, of the 1940 Code of Alabama.

Was taken up.

Mr. Kilborn offered the following amendment to the bill, to-wit:

Amend H. B. 495 by striking out Sections 1 and 2 and inserting in lieu thereof the following:

"Section 1. That Section 154 of Title 41 of the 1940 Code of Alabama be and the same is hereby amended to read as follows:

Section 154. "Limitation of Per Diem Expenses." The maximum amount allowable to persons traveling in the service of the State or any of its agencies, institutions, boards, bureaus or commissions for expenses other than actual expenses of traveling shall be their actual expenses subject to a limit or maximum of from three dollars to five dollars a day, the maximum or limit to be fixed by the Governor from time to time and to be uniform in operation as to all persons, while said persons traveling within the State. Persons traveling in the service of the state, or any of its agencies, institutions, boards, bureaus or commissions outside of the State of Alabama shall be allowed their actual and necessary expenses provided such travel shall have first been

duly authorized in writing by the directing head of such department, agency, institution, board, bureau of commission."

"Section 2. This act shall take effect immediately upon its passage and approval by the governor or its otherwise becoming a law."

Mr. Walton offered the following substitute for the amendment offered by Mr. Kilborn, to the bill, to-wit:

Amend Kilborn amendment No. 2 by adding at end of Section 1 after the word commission, the following:

provided that when traveling on official business for the state or any of its agencies or institutions, in privtaely owned vehicles, they shall receive five cents per mile.

Said bill, H. 495, and pending amendments, were re-referred to the Standing Committee on Judiciary, on motion of Mr. Henderson.

BILLS ON THIRD READING

The bill:

S. 205. To propose to amend Section 194½ of the Constitution of Alabama so that as amended said Section shall read as follows: "Section 194½. No person who honorably served in the Military Service of the United States between January 1, 1917, and November 11, 1918, and after December 7, 1941, or at any time, past or present or future, when the United States was, is or shall be at war with any foreign state, shall be required after the beginning of such service to pay the Poll Tax specified in the Constitution of Alabama as a prerequisite to the privilege of voting in Alabama; but, on the contrary, every such person shall be exempt from the payment of all Poll Taxes which have theretofore accrued and have not been paid or which may thereafter acrue; provided, however, that if any such person is discharged dishonorably from said service, the exemption herein provided is forfeited, and such dishonorably discharged person, as a prerequisite to the privilege of voting in Alabama thereafter, must pay the Poll Tax specified in the Constitution of Alabama as if such person had never been in such service. The term "Military Service" as used in this Act shall mean service by any person in the armed forces of the Untied States. The United States shall not be deemed at war with a foreign state within the meaning of this Section at a time when an armistice exists between the United States and the foreign state. The Judge of Probate shall issue a certificate of exemption to a person exempt from the payment of Poll Tax by reason of this Section under such rules and regulations as may be prescribed by the Governor. This Section shall be self-executing and retroative; but the Legislature

is authorized to enact laws designed to carry out the purposes of this Section;" and to order an election by the qualified electors of the state upon such proposed amendment to be held on the date of the holding of the next general election held after the final adjournment of the present session of the Legislature.

Was read a third time at length as required by the Constitution and passed and ordered sent forthwith to the House without engrossment.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:	Dodson	Jones	Pinson
Benson	Espy	Kelly	St. John (Lawrence)
Bentley	Garrett	Kilborn	Shaver
Black	Goodwin	Lawson	Simpson
Carlton	High	Madison	Smith
Cater	Hill	McCary	Taylor
Cobb	Hornsby	Newton	Walton

—27

Nays: —0

The bill:

S. 313. To allow the Sheriff of Jackson County, Alabama, an additional deputy sheriff to that now provided by law; to fix the salary of said deputy and to make the same payable out of the General Funds of Jackson County in Monthly installments.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	Henderson	St. John (Cullman)
Benson	Cobb	High	St. John (Lawrence)
Bentley	Dodson	Kelly	Shaver
Black	Espy	Kilborn	Sherrer
Bradford	Garrett	Newton	Simpson
Carlton	Goodwin	Pinson	Walton

23

Nays: —0

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the thirty-sixth day and

finds same correct and containing all original entries and references thereto required by the Constitution.

Jim Smith, Jr.,
Chairman.

COMMITTEE REPORT

On motion of Mr. Smith, the foregoing report was concurred in and the Journal of the Senate for the thirty-sixth day approved by the Senate.

ADJOURNMENT

At 1:25 P. M., on motion of Mr. Kilborn, the Senate adjourned until tomorrow, Wednesday, June 9, 1943, at ten o'clock A. M.

THIRTY-SEVENTH DAY

Wednesday, June 9, 1943.

The Senate met pursuant to adjournment, Lieutenant-Governor Ellis, presiding.

PRAYER

The session was opened with Prayer by Rev. J. W. Wells, of Chisholm Baptist Church, Montgomery.

ROLL CALL

Present:

Messrs.:	Dodson	Jones	St. John (Lawrence)
Benson	Espy	Kelly	Shaver
Bentley	Garrett	Kilborn	Sherrer
Black	Goodwin	Lawson	Simpson
Bradford	Henderson	Madison	Smith
Carlton	High	McCary	Taylor
Cater	Hill	Newton	Toomer
Cobb	Hornsby	Pinson	Walton

—31

JOURNAL

On motion of Mr. Carlton, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 221. To amend Section 4 as amended by a Local Act of the Legislature of Alabama, approved September 12, 1939, of a Local Act entitled "An Act to establish an Inferior Court in Macon County, Alabama to be known as the Inferior Court of Macon County, to abolish the County Court of Macon County, Alabama, and to confer upon said Inferior Court of Macon County the Criminal and Civil Jurisdiction concurrent with that of the Justices of Peace in the County of Macon, Alabama, and all jurisdiction of the County Court of Macon County, Alabama; and to provide for a Clerk of said Court and prescribe his fees, and define his duties and compensation; to establish methods of procedure and fix the Court costs in said Court; to define the jurisdiction of said Court and to provide for a Judge of said Court and provide and fix the method of his selection or election, and qualification and term or terms of office, define his power and duties, and fix the salary of such Judge; and to provide for a Solicitor for said Court and provide and fix the method of his selection or election, and qualification and term or terms of office, prescribe his duties and fix the salary of such solicitor; to provide the method whereby the Judge thereof may recuse himself. To provide for certificates of judgment of said Court and the recordination thereof; to provide the method of issuing warrants returnable to said Court, and to define and provide for the proceedings of said Court, and to provide for the transfer and trial of causes pending in the County Court of Macon County, at the time that this act takes effect, to the Inferior Court of Macon County, approved June 26, 1935."

Also:

H. 287. To authorize county and city boards of education to invest the unused proceeds of any warrants sold under the provisions of Article 4 of Title 52 of the Code of Alabama of 1940 in securities issued by the Government of the United States of America until such time as such proceeds can be used for the purposes for which the warrants were issued.

Also:

H. 328. To make an appropriation to the University of Alabama for the encouragement, development, and maintenance of research work, and for the further development and support of the University's extension program.

H. 428. To authorize the organization of public non-profit corporations for the purpose of acquiring and operating facilities for the production, transmission and distribution of electricity and related services in power districts to be composed of all or parts of any three or more connecting counties; to specify the method of amending the certificate of incorporation of any such corporation; to provide for its management; to define its powers, including the power of eminent domain with certain limitations, the power to fix and collect rates and charges for services rendered, and the power to raise funds necessary for its purposes by the issuance of its revenue bonds payable solely from the revenues derived from the operation of its properties, which bonds and the interest coupons applicable thereto shall be negotiable; to exempt from all taxation all such bonds together with the income therefrom and any security executed therefor and all properties of the corporation; to authorize the making of pledges and mortgages and deeds of trust as security for such bonds; to require the consent of the Department of Finance to the issuance of such bonds; to specify the properties of such bonds and the rights and remedies of the holders thereof; to provide that such corporation shall not be subject to the jurisdiction of the Alabama Public Service Commission; and to provide for distribution of the assets of any such corporation on its dissolution.

Also:

H. 429. To authorize any municipality in this State situated within the territorial limits of any power district proposed to be served with electricity and related services by a public non-profit corporation for the purpose of paying its preminary organization and administration expenses, and to provide for the terms of any such advances.

Also:

H. 496. To amend Section 86, of Title 55, of the 1940 Code of Alabama.

R. T. Goodwyn, Jr.,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Simpson:

S. 354. Relating to the sounding of whistles and other warning devices of Railroad Trains or engines in cities which may now or hereafter have a population of two hundred thousand or more people according to the last or any succeeding Federal census.

Commitee on Municipalities and Municipal Organizations.

By Mr. Jones:

S. 355. Prohibiting prostitution, lewdness and assignation; to prohibt the keeping, setting up or operating or receiving of any person into any house, place, premise or conveyance for the purpose of prostitution, lewdness or assignation, the directing, taking or transporting any person for the purpose of prostitution, lewdness or assignation, the occupying, residing in, frequenting, entering or remaining in any house, place premise or conveyance for the purpose of prostitution, lewdness or assignation, the receiving or using any person for, the solicting for or engaging in prostitution, lewdness or assignation; to prohibit the knowingly owning of or letting of any house, place, premise or conveyance for the purpose of prostitution, lewdness or assignation and the aiding, abetting or participating in any of the acts herein prohibited; to provide penalties for violation hereof; to define the terms of "prostitution," "lewdness" and "assignation;" and to admit in evidence in support of a charge of violation of this ACT testimony concerning the reputation or character of any house, place, building or other structure, and of the person who resides in or frequents same and of the defendant.

Committee on Public Health.

By Mr. Toomer:

S. 356. To provide for regulating the manufacture, baking, mixing, compounding, sale or offering for sale for human consumption of bread, flour, degerminated or bolted corn meal and grits as defined herein, and to require the enrichment of bread, flour, degerminated or bolted corn meal and grits by the addition of certain vitamins and minerals and to prescribe the methods of enrichment; authorizing the Alabama State Board of Agriculture, to change, or add to, the specifications for ingredients and amounts thereof; providing the method of enrichment; and authorizing the Alabama State Board of Agriculture to prescribe rules and regulations as prescribed herein to carry out the provisions of

this Act; to authorize the Alabama State Board of Agriculture to determine the availability of the necessary ingredients; to define the terms used herein; to fix active enforcement date; and to fix penalties for violation of same.

Committee on Agriculture.

By Mr. Toomer:

S. 357. To provide for and regulate the addition of vitamins to oleomargarine sold in the State of Alabama, and to fix the penalty for the violation of the same.

Committee on Agriculture.

By Mr. Espy:

S. 358. To authorize All Cities and Towns Within the State of Alabama To Fix and Collect Licenses For any Business, Trade or Profession Done Outside the Corporate Limits, But Within the Police Jurisdiction Thereof.

Commitee on Municipalities and Municipal Organizations.

By Mr. Garrett:

S. 359. To amend Section 140, Title 46, Code of 1940.

Committee on Judiciary.

By Messrs. Henderson, Carlton and High:

S. 360. To provide for State aid in the construction of county roads, as herein defined, and for that purpose to appropriate money out of the State Public Road and Bridge Fund to be used with an equal amount of money appropriated by the counties out of their Gasoline Excise Tax Funds for such construction, to be used under the joint supervision of the County and State Highway Department through a division thereof to be known as the Bureau of County Aid; and to authorize the State Highway Department to make rules and regulations necessary or convenient for the administration of this act.

Committee on County and County Boundaries.

By Mr. St. John (Lawrence):

S. 361. To Amend Section 428, Title 37, Code of 1940.

Committee on Municipalities and Municipal Organizations.

By Messrs. St. John (Cullman) and Smith:

S. 362. To Further Regulate Insurance Companies Doing Business or Writing Policies Covering Property and Risks Within the Incorporated Municipalities, and the Police Jurisdiction Thereof, in the State of Alabama.

Committee on Municipalities and Municipal Organizations.

REPORTS OF COMMITTEES

Mr. Shaver, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Simpson:

S. 353. To provide for deductions from penitentiary and hard labor sentences for good conduct.

Mr. Cobb, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Porter (Choctaw (with notice and proof):

H. 436. To regulate the fine and forfeiture of Choctaw County, Alabama.

By Mr. Bowling (with notice and proof):

H. 483. To require the County Board of Education of Washington County to pay out of the school funds of said County all expenses of the office of the County Superintendent of Education and all expenses of taking the school census; and to relieve the court of county commissioners of said county from payment of such expenses.

By Mr. Bowling (with notice and proof):

S. 484. To provide for the election of commissioners of the Court of County Commissioners in and for Washington County.

By Mr. Henderson (with notice and proof):

S. 343. To further provide for the fiscal management of Wilcox County; to provide for the refunding and amortization of the outstanding obligations of Wilcox County and the refunding and amortization of obligations of Wilcox County that may hereafter be issued.

By Mr. Henderson (with notice and proof):

S. 342. To abolish the two and one-half (2½) mill special road and bridge tax now levied in Wilcox County, upon retirement of outstanding bonds.

By Mr. Jones (with notice and proof):

S. 340. For the relief of Mrs. Avery Johnson, as compensation for the death of her husband, Avery Johnson, deceased, of Perry

County, Alabama, while he was in the line of and performing his duty as a road employee for the County of Perry, State of Alabama.

By Mr. Madison (with notice and proof):

S. 338. To amend Section 17, as amended August 2, 1927, of House Bill No. 1683, of the Acts of the Legislature of Alabama approved September 25, 1915, entitled "An Act to establish a Board of Revenue for Tuscaloosa County, Alabama, to prescribe its powers and duties, to fix the compensation of its members, to provide for the election of its members and fix their terms of office, to provide for a clerk and engineer, and to abolish the Court of County Commissioners, the Board of Public Works and the Jury Commission of said County."

By Mr. Madison (with notice and proof):

S. 337. To amend Section three (3) as amended March 31, 1936, and March 6, 1939, of House Bill No. 525, of the Acts of the Legislature of Alabama, approved June 12, 1935, entitled "An Act to fix the compensation or salary to be paid the Judge of Probate of Tuscaloosa County, Alabama, and to regulate the payment of the same; to provide for the compensation of clerks, deputies, clerical assistants and other expenses in the Probate Office of Tuscaloosa County, Alabama, and to require said Judge of Probate to collect all the fees, compensation and allowances heretofore or hereafter collected by said Judge of Probate and to pay same into the County Treasury of Tuscaloosa County; to provide for the payment of the salary or compensation of said Judge of Probate and the clerks, deputies and other clerical assistants, and other office expenses, out of the funds of Tuscaloosa County, and to provide rules and regulations for the management and operation of such office made necessary by changing the method and basis of compensation of such Judge of Probate, and to prescribe when this Act shall go into effect:"

By Mr. Madison (with notice and proof):

S. 336. To amend Section 3, as amended August 11, 1939, of House Bill No. 526, of the Acts of the Legislature of Alabama of 1935, approved June 12, 1935, entitled "An Act to fix the compensation or salary to be paid the Tax Collector of Tuscaloosa County, Alabama, and to regulate the payment of the same; to provide for compensation of clerks, deputies, clerical assistants and other expenses in said office of the Tax Collector of Tuscaloosa County; Alabama, and to require said Tax Collector to collect all the fees, compensation and allowances heretofore or hereafter authorized to be collected by him, and to pay same into the County Treasury

of Tuscaloosa County; to provide for the payment of the salary or compensation of said Tax Collector of Tuscaloosa County, and the clerks, deputies and other clerical assistants, and other office expenses out of the funds of Tuscaloosa County, and to provide rules and regulations for the management and operation of such office made necessary by changing the method and basis of compensation of such Tax Collector, and to prescribe when this Act shall go into effect."

By Mr. Madison (with notice and proof):

S. 335. To amend Section 3, as amended August 11, 1939, of House Bill No. 542, of the Acts of the Legislature of Alabama of 1935, approved June 12, 1935, entitled "An Act to fix the compensation or salary to be paid the Tax Assessor of Tuscaloosa County, Alabama, and to regulate the payment of the same; to provide for compensation of clerks, deputies, clerical assistants and other expenses in said office of the Tax Assessor of Tuscaloosa County, Alabama, and to require said Tax Assessor to collect all the fees, compensation and allowances heretofore or hereafter authorized to be collected by him, and to pay same into the County Treasury of Tuscaloosa County; to provide for the payment of the salary or compensation of said Tax Assessor of Tuscaloosa County, and the clerks, deputies and other clerical assistants and other office expenses out of the funds of Tuscaloosa County, and to provide rules and regulations for the management and operation of such office made necessary by changing the method and basis of compensation of said Tax Assessor, and to prescribe when this Act shall go into effect."

By Mr. Madison (with notice and proof):

S. 334. To amend Section 3, as amended March 6, 1939, of House Bill No. 190 of the Acts of the Legislature of Alabama of Extra Session of 1936, approved March 31, 1936, entitled "An Act to fix the compensation or salary to be paid the Clerk of the Circuit Court of Tuscaloosa County, Alabama, and to regulate the payment of the same; to provide for compensation of clerks, deputies, clerical assistants and other expenses in said office of the Clerk of the Circuit Court of Tuscaloosa County, Alabama, and to require said Clerk of the Circuit Court to collect all the fees, compensation and allowances heretofore or hereafter authorized to be collected by him, and to pay same into the county treasury of Tuscaloosa County, provided, however, that all witness fees, judgments and amounts collected by him, in civil and criminal cases, from whatsoever source, except fees, allowances, legal charges, costs and compensation payable to him as such Clerk,

shall be retained in the hands of said Clerk to be paid out and disbursed by him to proper persons or parties in the manner now or hereafter required by law; to provide for the payment of the salary or compensation of said Clerk of the Circuit Court of Tuscaloosa County, and the Clerks, Deputies and other clerical assistants and other office expenses out of the funds of Tuscaloosa County, and to provide rules and regulations for the conducting and operation of such office made necessary by changing the method and basis of compensation of such Clerk of the Circuit Court of Tuscaloosa County, and to prescribe when this Act shall go into effect."

By Mr. Hill (with notice and proof):

S. 333. To authorize the City Board of Education of Athens, Alabama, to construct and repair school buildings and purchase equipment and supples for school buildings under the administrative control and jurisdiction of the City Board of Education of Athens, Alabama, with the funds arising from the sale of the real estate located near the City of Athens, Alabama, known as the State Secondary Agricultural School Demonstration Farm and the personal property located thereon and connected therewith, which said sale was authorized by and made under an Act of the Legislature of Alabama approved Sept. 21, 1939.

By Mr. St. John (Cullman) (with notice and proof):

S. 321. "An Act to provide for the closing of the Court House Offices of Judge of Probate, Tax Assessor, Clerk of Circuit Court, Sheriff, Tax Collector, Register of Circuit Court, and Board of Revenue, or other like governing body of Cullman County, Ala."

By Mr. Cobb (with notice and proof):

S. 348. To create a Purchasing Agency for Cherokee County, Alabama, to be composed of the President of the Board of Revenue of said county whose duties shall be to purchase all books, stationery, blanks, office equipment and office supplies for the several county offices, the jail, court house, and Alms house, hospitals and sanitariums, also the material and machinery of all and every kind for the building and maintaining of the roads, bridges ferries and buildings of said county and to define the powers and duties and term of office of said Purchasing Agency. To employ clerical assistance necessary to keep records of said Purchasing Agency and Board of Revenue.

By Mr. Cobb (with notice and proof):

S. 349. To Create the office of President of the Board of Revenue in and for Cherokee County, Alabama, to provide for his appointment and or election: to provide for filling any vacancy in

such office: to prescribe his qualifications, duties, and powers, the manner and amount of his compensations, his oath of office, his official bond and provide for the payment of the premium thereon by the County.

By Mr. Cobb (with notice and proof):

S. 350. To amend an Act entitled an Act "To create and establish a Board of Revenue in and for Cherokee County, Alabama, to be composed of four members; to provide and designate a Chairman of such Board, to fix the qualifications of the members of said Board, to provide where the members of said Board shall reside during their term of office; to divide said county into four districts and define the boundaries of said Districts, to designate, declare and appoint a member from each of said districts and to define the term of office of each of said members of the Board of Revenue so designated, declared and appointed: to provide for the appointment of the Chairman of said Board and to fix the term of his office under said appointment; provide for the filling of vacancies in said Board, to provide for the designation of the Chairman of said Board, designated, declared and appointed by this Act, at the expiration of their respective terms of office, to define the duties, powers and authority of the Chairman and members of said Board, to fix the place and time of their meeting and to provide for the compensation of the members thereof. To provide for their official bonds, and for the payment by the County of the premium thereon. To provide when this Act shall take effect: to provide that any section or provisions of this Act being held invalid shall not affect the validity of any other section or provision; and the repeal of all laws or parts of laws in conflict with the provisions of this Act. in so far as they apply to Cherokee County, Alabama. This Act becomes a law under Section 125 of the Constitution on August 22, 1939. By amending Sections 8, 11, and 12 of said Act.

By Mr. Cobb (with notice and proof):

S. 351. To amend an Act to be Entitled an Act "To further provide for the control, making, maintenance, building and improvement of the public roads and bridges of Cherokee County, Alabama, to create the office of Road Supervisor for said county, to provide for his election or appointment, discharge and removal; to fix his qualifications and prescribe his duties, powers and authority. To provide for a Purchasing Agent for purchasing material, equipment and supplies for the public roads and bridges in Cherokee County, Alabama. To prescribe the methods for making such purchases, the manner of allowance and payment of claims against the county, approved by such purchasing agent; to fix his compen-

sation and manner of payment to make appropriations or allowances for his expenses and manner of payment, to fix his Bond and to provide for the approval of same and for the payment of the premium thereon by the County. To provide when this Act shall take effect; to provide that any section or provision of this Act being held invalid shall not effect the validity of any other section or provision; and the repeal of all laws or parts of laws in conflict with the provisions of this, insofar as they apply to Cherokee County, Alabama, Approved August 24, 1939," by amending Section "3" "6" 7' and 10' of said Act and by repealing section 11 of said Act.

Mr. Bentley, Chairman of the Standing Committee on Privileges and Elections, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Simpson:

S. 314. To amend Section 198 of Title 17 of the Alabama Code of 1940.

By Mr. Cater:

S. 319. To designate the time in each year when the Board of Registrars shall sit for the purpose of registering voters in all counties having a population of not less than 100,000 nor more than 140,000 population according to the last or any succeeding Federal census; to provide that said sessions shall be in lieu of all other sessions now authorized by law and to repeal all laws or parts of laws in conflict herewith.

Mr. Garrett, Chairman of the Standing Committee on Agriculture, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Garrett:

S. 199. To regulate the sale or bartering of eggs; to define a dealer; and to prescribe a fee for engaging in such business.

By Mr. Garrett:

S. 200. To amend Section 24 of Title 2 of the 1940 Code of Alabama.

By Mr. Garrett:

S. 201. To provide that the State Deparment of Agriculture and Industries shall conduct a program in accordance with the

National Poultry Improvement Plan and to provide for the acceptance of fees for services rendered.

By Mr. Garrett:

S. 202. To regulate the sale of eggs; to give the State Board of Agriculture and Industries authority to make rules and regulations governing same; to provide penalties for the violation of this Act and rules and regulations adopted pursuant thereto; and to repeal Sections 274 through 281, Title 2, Article 15, 1940 Code of Alabama, and all laws or parts of laws in conflict herewith.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate joint resolution:

By Mr. Taylor:

S. J. R. 45. BE IT RESOLVED BY THE SENATE, the House concurring that Senate joint resolution No. 19, which has been adopted by both Houses of the Legislature of Alabama, be designated as the Madison-Sullivan Resolution.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Gwin, Smyer, Edwards, Hodo, Sessions, Chichester, and Snyder:

H. 554. To amend Section 732, Title 37 of the Code of 1940.

Also:

By Mr. Edwards:

H. 625. To amend section 1 of An Act approved September 7, 1935, entitled "An Act to amend Sections 2, 5 and 8 and to make more certain the repeal of Section 9-½ of an Act entitled 'An Act to better provide for holding the Circuit Court of the Tenth Judicial Circuit at Bessemer, in and for the following portions of Jefferson County, to-wit: Williams Precinct No. 1, Jonesboro Precinct No. 2, Parsons Precinct No. 3, Aarons Precinct No. 4, Short Creek

Precinct No. 5, Bethlehem Precinct No. 7, Meeks Precinct No. 24, Toadvine Precinct, No. 27, Bessemer Precinct No. 33, Gwins Precinct No. 35, Huey's Precinct No. 40, Parkwood Precinct No. 41, Mulga Precinct No. 49, Virginia Mines Precinct No. 51, Fairfield Precinct No. 53, and Brighton Precinct No. 55, to define the jurisdiction thereof, to provide for organizing and empaneling grand juries therefor and define the jurisdiction of said grand juries, to regulate the holding of said court at said place, and otherwise provide therefor, 'approved August 18th, 1919, said amendment operating to rearrange the territorial boundary lines of the jurisdiction of said court so held at Bessemer, and defining the boundary lines thereof by metes and bounds in stead of precincts, and making more certain the elimination of Section 9-½ therefrom."

Also:
By Mr. Stone:

H. 629. To provide for a Deputy County Treasurer in each County of the State, having a population of not less than one hundred twenty-five thousand, and not more than three hundred thousand inhabitants, according to the last, or to any succeeding Federal census; and to provide for the qualifications, appointment, term, duties, bond, and compensation of such Deputy County Treasurers.

Also:
By Mr. Edwards:

H. 220. To amend Title 13, Section 199, of the Code of Alabama.

Also:
By Mr. Owens:

H. 616. To amend Section One of a Local Act of the Legislature of Alabama, approved, April 6, 1936, Entitled An Act to Prohibit the furnishing by the Board of County Commissioners, or like governing body, of Madison County, Alabama, of any automobile, or other conveyance, or motor fuel, or oil, to any member of said Board, or governing body, for use by him in the prosecution of his duties or employment as a member of such Board, or otherwise; and to prohibit the use of any such articles by any member of such Board, or governing body, furnished in violation of the provisions of this Act, and to fix the penalty for such violations.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given of the intention to apply for the passage by the Legislature of Alabama, at its regular 1943 session of the following local Law:

A BILL
TO BE ENTITLED
AN ACT

To Amend Section One of a Local Act of the Legislature of Alabama, approved, April 6, 1936, Entitled An Act to Prohibit the furnishing by the Board of County Commissioners, or like governing body, of Madison County, Alabama, of any automobile, or other conveyance, or motor fuel or oil, to any member of said Board, or governing body, for use by him in the prosecution of his duties or employment as a member of such Board, or otherwise; and to prohibit the use of any such articles by any members of such Board, or governing body, furnished in violation of the provisions of this Act, and to fix the penalty of such violations.

Be It Enacted By The Legislature Of Alabama:

Section 1. That section one of a Local Act of the Legislature of Alabama, approved, April 6, 1936, and entitled An Act to Prohibit the furnishing by the Board of County Commissioners, or like governing body, of Madison County, Alabama, of any automobile, or other conveyance, or motor fuel or oil, to any members of said Board, or governing body, for use by him in the prosecution of his duties of employment as a member of such Board, or otherwise; and to prohibit the use of any such articles by any member of such Board, or governing body, furnished in violation of the provisions of this Act, and to fix the penalty for such violations.

Be and the Same is hereby Amended so as to read as follows:

Section 1. The Board of County Commissioners of Madison County, Alabama, be and it is hereby authorized to furnish at the County's expense transportation by automobile, or other conveyance, and motor fuel and oil to the members of this Board. Such transportation, oil and motor fuel to be used by such members solely in the performance of their official duties; and any such automobile, or other conveyance, shall be plainly marked to show that it is the property of Madison County.

Section 2. That all laws and parts of laws in conflict with the provisions of this Act are hereby expressly repealed and this Act shall be in full force and effect upon its passage and approval by the Governor.

May 10, 17, 24, 31.

STATE OF ALABAMA,
MADISON COUNTY

Before me, W. P. Nicholson, a notary public in and for said state and county this day personally appeared J. M. Langhorne, who being first duly sworn deposes and says that he is Business Manager of The Huntsville Times, a newspaper of General Circulation in the City of Huntsville, Madison County, Alabama; that the foregoing notice of proposed Bill to be introduced for passage in the Legislature of Alabama was published and printed in said newspaper once a week for four consecutive weeks, as follows: May 10, 1943; May 17, 1943; May 24, 1943; May 31, 1943.

J. M. LANGHORNE,
Business Manager.

Sworn to and subscribed before me this 31 day of May, 1943.

W. P. NICHOLSON,
Notary Public.

My commission expires November 3, 1943.

Also:
By Mr. Wood:

H. 613. To amend an act approved by the Governor February 24, 1937, entitled an Act to provide for the compensation of members of the Board of County Commissioners of Bibb County out of the Gasoline Excise Tax Fund:

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE!

A BILL
TO BE ENTITLED
AN ACT

To amend an act approved by the Governor February 24, 1937, entitled an Act to provide for the compensation of members of the Board of County Commissioners of Bibb County out of the Gasoline Excise Tax Fund:

Be it Enacted by the Legislature of Alabama:

An Act approved by the Governor February 24, 1937 entitled an Act. "To provide for the compensation of members of the Board of County Commissioners of Bibb County out of the Gasoline Excise Tax Fund," be, and the same is hereby amended by striking Section 1 thereof therefrom and inserting in lieu thereof the following:

Section 1. Each member of the Court of County Commissioners of Bibb County, Alabama, shall be paid by the County Treasurer or Depository of Bibb County, Alabama, out of the gasoline excise tax fund levied by Schedule 156.9 of Article 13, Chapter 4, of House Bill No. 324, approved July 10, 1935, accruing to Bibb County for their services in inspecting the work of maintenance, upkeep and repairing the public roads of Bibb County, or for their services in supervising such work on said roads and all necessary traveling expenses incurred by them in performing said services, the sum of $75.00 per month for each month so engaged, said sums to be paid by warrant drawn on the County Treasurer or County Depository on order of the Court of County Commissioners of Bibb County, Alabama.

Section 2. All laws, general, special and local in conflict with the provisions of this act on its effective date are hereby repealed on said effective date.

Section 3. This act shall become effective on the first day of the next term of each of said members of the Board of County Commissioners of Bibb County, Alabama, next following the passage of this act and its approval by the Governor.

STATE OF ALABAMA,
BIBB COUNTY.

Before me, W. L. Pratt, a Judge of Probate, in and for said State and County aforesaid, personally appeared J. W. Oakley, Publisher of The Cen-

treville Press, and after being duly sworn by me, deposes and says that the attached Legal Notice was published in The Centreville Press for 4 consecutive weeks, as follows: May 6, 13, 20, 27, 1943. That The Centreville Press is a weekly newspaper of general circulation in Bibb County, Alabama; That it is entered in the Postoffice at Centreville, Alabama as second-class mailing matter; That it has been published for 52 consecutive weeks prior to the publication of this legal notice.

J. W. OAKLEY,
Publisher.

Sworn to and subscribed before me, this 29th day of May, 1943.
(Seal) W. L. PRATT,
Judge of Probate.

Also:

By Mr. Armstrong:

H. 620. To allow the members of Jackson County Board of Education twenty Regular Meetings Days and pay for not more than twenty days for each year, payable from the General School Funds of Jackson County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

AN ACT

To allow the members of Jackson County Board of Education twenty Regular Meeting Days and pay for not more than twenty days for each year, payable from the General School Funds of Jackson County, Alabama.

Be It Enacted By The Legislature Of Alabama:

Section I.

That the Jackson County Board of Education shall be permitted to hold twenty meetings each year, and that said Board of Education shall hold an annual meeting each year on the last Friday in November. At this meeting the Board shall elect each year one of its members to serve as president and one to serve as vice-president. Other regular meetings shall be held on the last Friday of February, May and September and such special meetings may be held and at such places as duties of the business of the Board may require. That no motion or resolution before the Board shall be declared adopted without concurrence of the majority of whole board.

Section II.

That the members of the County Board of Education shall receive from the public school funds of the county five dollars a day and their actual traveling and hotel expenses incurred in attending meetings of the Board and transacting business of the Board. The members of the County Board of Education shall not be allowed pay for more than twenty days in any one year. And their expenses shall be paid in like manner as provided for the compensation of teachers.

Section III.

That the members of the Jackson County Board of Education shall not be required to hold teachers' certificates as a qualification for said position.

Section IV.

That all laws or parts of laws in conflict with this section are hereby expressly repealed and this Act shall be in full force and effect from the date of its approval by the Governor of Alabama. 5-4 s4.

STATE OF ALABAMA,
JACKSON COUNTY.

Before me, Mattie Lou Stockton, a notary public in and for said state and county, personally appeared P. W. Campbell, who is known to me to be the publisher of THE JACKSON COUNTY SENTINEL, a newspaper published every Thursday at Scottsboro, Alabama, who states under oath that the attached NOTICE OF A SPECIAL ACT IN THE ALABAMA LEGISLATURE regulating meeting days and compensation for Members of the Jackson County Board of Education, was published in said JACKSON COUNTY SENTINEL four consecutive weeks, towit: May 4, May 11, May 18, May 25, 1943.

Signed P. W. CAMPBELL,
Publisher of The Sentinel.

Sworn to and subscribed before me this 31st day of May, 1943.

(Seal) MATTIE L. STOCKTON,
Notary Public.

Also:

By Messrs. Sullivan, Stone, Johnston of Mobile:

H. 586. To amend Section 2 of an act entitled "An act to fix and regulate the salary to be charged or received by the tax collector of Mobile County; to provide for assistants to the said tax collector, and their compensation; to fix and regulate the method and basis of payment and collection of such salary of the tax collector and compensation for his assistants; to provide that such salary shall be in lieu of all other compensation, fees, commissions or emoluments; to declare the provisions of existing laws, touching the commission of tax collectors for collecting general and special and school taxes, inapplicable to Mobile County; and to provide for the payment, into the County Treasury of Mobile County, of certain moneys, fees and penalties that were heretofore part of the compensation, emoluments and perquisites of the office of Tax Collector of Mobile County, Alabama, adopted by the Legislature of 1935 and approved August 15th, 1935, and set out in Local Acts of Alabama of 1935, page 139.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

TO WHOM IT MAY CONCERN:

You will take notice that at the adjourned session of the regular session of the Legislature of Alabama which convenes on May 4th, 1943, a bill will be introduced and its enactment applied for, which said bill will be in substance as follows:

"AN ACT"

To amend Section 2 of an act entitled 'An act to fix and regulate the salary to be charged or received by the tax collector of Mobile County; to provide for assistants to the said tax collector, and their compensation; to fix and regulate the method and basis of payment and collection of such salary of the tax collector and compensation for his assistants; to provide that such salary shall be in lieu of all other compensation, fees, commissions or emoluments; to declare the provisions of existing law, touching the commission of tax collectors for collecting general and special and school taxes, inapplicable to Mobile County; and to provide for the payment, into the County Treasury of Mobile County, of certain moneys, fees and penalties that were heretofore part of the compensation, emoluments and perquisites of the office of Tax Collector of Mobile County, Alabama,' adopted by the Legislature of 1935 and approved August 15th, 1935, and set out in Local Acts of Alabama of 1935, page 139.

Be It Enacted By The Legislature Of Alabama:

SECTION 1. That Section 2 of an act to fix and regulate the salary to be charged or received by the tax collector of Mobile County; to provide for assistants to the said tax collector, and their compensation; to fix and regulate the method and basis of payment and collection of such salary of the tax collector and compenstaion for his assistants; to provide that such salary shall be in lieu of all other compensation, fees, commissions of emoluments, to declare the provisions of existing law, touching the commission of tax collectors for collecting general and special and school taxes, inapplicable to Mobile County; and to provide for the payment, into the County Treasury of Mobile County, of certain moneys, fees and penalties that were heretofore part of the compensation, emoluments and perquisites of the office of the Tax Collector of Mobile County, Alabama, be and it is hereby amended so as to read as follows:

'Section 2. The tax collector may employ, at the public expense, to aid him in the performance of his official duties, a Chief Clerk who shall be an employee of the tax collector and as such, may be discharged or otherwise dealt with by the tax collector in all respects as may be done between private employer and employee. Such Chief Clerk shall be paid a salary not exceeding three thousand six hundred ($3,600.00) dollars a year, in equal monthly installments.'

Section 2. Nothing in this bill shall be construed as repealing any part of the Act commonly known as the Mobile County Civil Service or Merit System Act, approved September 15th, 1939, (Local Acts 1939, No. 470, House Bill No. 952, Langan, Megginson, Stone).

Section 3. All laws, general, local or special, in conflict with this act are hereby repealed.

Section 4. This act shall take effect immediately upon its approval by the Governor. April 30; May 7, 14, 21.

STATE OF ALABAMA,
COUNTY OF MOBILE.

Personally appeared before me the undersigned authority in and for said state and county, C. M. Shepard, Jr., who being sworn does depose and say he is the Publisher of the Mobile Post, a weekly newspaper of general circula-

tion printed and published in Mobile County, Alabama, and that the attached advertisement was published in the Post on April 30, May 7, 14 and 21, 1943.

C. M. SHEPARD, JR.,

Sworn and subscribed to before me on the 22 of May, 1943.

E. C. DRODY,
Notary Public, Mobile County, Alabama.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees as follows:

H. 554, to the Committee on Municipalities and Municipal Organizations.

House bills 625, 629, 220, 616, 613, 620, and 586 to the Committee on Local Legislation.

RESOLUTION

The Rules Committee offered the following Senate resolution, to-wit:

S. R. 49. Be it resolved by the Senate that upon the call of the calendar today, the Senate proceed with its calendar in the regular order considering only Senate bills.

Which was adopted.

CONSIDERATION OF SPECIAL ORDERS

The bill:

S. 219. So propose an amendment to Article IV, Section 93 of the Constitution of Alabama; providing that the state may engage in the construction, improvement, repairs, maintenance and operation of public airports, air landing fields and other navigation facilities in the State of Alabama and may appropriate money or otherwise provide funds for this purpose; providing that the state may use convict labor and equipment for such purposes; providing that the state may grant the use of such facilities or lease parts of such facilities or properties adjoining such facilities to the Federal government, the counties, the municipalities, or the other instrumentalities or institutions of government or to any

person, firm, corporation or association, and providing that the state may sell or transfer such facilities to the Federal government, to any city, town or instrumentality, public institution or political subdivision of government and to order an election for the qualified voters of the State of Alabama upon such proposed amendment to be held at the next general election held after the final adjournment of the present session of the Legislature at which this amendment is proposed and to provide for the manner of holding said election.

As amended by the substitute, which said substitute was adopted on the 30th day, was read a third time at length as required by the Constitution and passed and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:	Dodson	Hornsby	St. John (Lawrence)
Benson	Espy	Jones	Shaver
Bentley	Garrett	Kelly	Sherrer
Bradford	Goodwin	Lawson	Simpson
Carlton	Henderson	Madison	Taylor
Cater	High	McCary	Walton
Cobb	Hill	Pinson	—26

Nays: —0

The bill:

S. 39. To amend Sections 95, 96 and 278 of Title 22 of the 1940 Code of Alabama, all relating to public health.

Was taken up.

The Standing Committee on Public Health offered the following amendment to the bill, to-wit:

Amend Senate Bill No. 39 by striking out the sentence "The charge for such an examination shall in no case exceed five dollars" from Section Two.

Which was adopted.

Yeas, 31; Nays, 0.

Yeas:

Messrs.:	Cater	Henderson	Kilborn
Benson	Cobb	High	Lawson
Bentley	Dodson	Hill	Madison
Black	Espy	Hornsby	McCary
Bradford	Garrett	Jones	Newton
Carlton	Goodwin	Kelly	Pinson

St. John (Lawrence)	Sherrer	Smith	Toomer
Shaver	Simpson	Taylor	Walton

—31

Nays: —0

Mr. McCary moved that further consideration of the bill, as amended, be indefinitely postponed.

And on motion of Mr. St. John (Lawrence) said motion to indefinitely postpone was laid on the table.

Yeas, 15; Nays, 14.

Yeas:

Messrs.:	Goodwin	Kilborn	Shaver
Bentley	Henderson	Lawson	Simpson
Black	Jones	Pinson	Taylor
Carlton	Kelly	St. John (Lawrence)	Walton

—15

Nays:

Messrs.:	Espy	Hornsby	Sherrer
Benson	Garrett	Madison	Smith
Bradford	High	McCary	Toomer
Cobb	Hill	Newton	

—14

Mr. Sherrer moved that further consideration of the bill, as amended, be postponed until the 44th day.

And on motion of Mr. St. John (Lawrence) said motion was laid on the table.

Yeas, 17; Nays, 13.

Yeas:

Messrs.:	Dodson	Kilborn	Shaver
Bentley	Goodwin	Lawson	Simpson
Black	Henderson	Pinson	Toomer
Carlton	Jones	St. John (Lawrence)	Walton
Cater	Kelly		

—17

Nays:

Messrs.:	Garrett	Madison	Sherrer
Benson	High	McCary	Smith
Bradford	Hill	Newton	Taylor
Cobb	Hornsby		

—13

Mr. St. John (Lawrence) offered the following amendment to the bill, as amended, to-wit:

Amend S. B. 39 by striking therefrom sub-section 8 of Section 1.

Which was adopted.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:	Goodwin	Kilborn	Shaver
Benson	Henderson	Lawson	Sherrer
Bentley	High	Madison	Simpson
Black	Hill	McCary	Smith
Bradford	Hornsby	Newton	Taylor
Cater	Jones	Pinson	Toomer
Dodson	Kelly	St. John (Lawrence)	Walton
Garrett			—28

Nays: —0

Mr. Sherrer offered the following amendment to the bill, to-wit:

Amend S. B. 39 sub-section 4 of Section 1 by adding at the end of said sub-section the following words:

"Provided, however, all examinations and all laboratory tests required under this act shall be made, performed and rendered without cost to the applicant."

And on motion of Mr. St. John (Lawrence) said amendment was laid on the table.

Yeas, 21; Nays, 6.

Yeas:

Messrs.:	Dodson	Jones	St. John (Lawrence)
Benson	Espy	Kelly	Shaver
Bentley	Garrett	Kilborn	Smith
Black	Goodwin	Lawson	Taylor
Bradford	Henderson	Madison	Walton
Cater	High		—21

Nays: Messrs.: Cobb, Hill, Hornsby, McCary, Newton, Sherrer — 6

Mr. Lawson offered the following amendment to the bill, to-wit:

Amend Section 2 of S. B. 39 by striking therefrom the words "may upon request from a licensed physician" where the same occur together therein and insert in lieu thereof the words "shall upon request."

Which was adopted.

Yeas, 30; Nays, 0.

Yeas:

Messrs.:	Bradford	Espy	High
Benson	Cater	Garrett	Hill
Bentley	Cobb	Goodwin	Hornsby
Black	Dodson	Henderson	Jones

Kelly	McCary	Shaver	Taylor	
Kilborn	Newton	Sherrer	Toomer	
Lawson	Pinson	Simpson	Walton	
Madison	St. John (Lawrence)	Smith		—30

Nays: —0

Mr. Hill moved that the Senate do now recess until 2 P. M. this afternoon, which motion was lost.

Yeas, 5; Nays, 22.

Yeas:

Messrs.:	Hill	McCary	Sherrer	
Cobb	Hornsby			—5

Nays:

Messrs.:	Dodson	Jones	St. John (Lawrence)	
Benson	Espy	Kilborn	Shaver	
Bentley	Garrett	Lawson	Simpson	
Black	Goodwin	Madison	Toomer	
Bradford	Henderson	Newton	Walton	
Cater	High	Pinson		—22

Mr. Benson offered the following amendment to the bill, to-wit:

Amend S. B. 39 by adding thereto a section No. 6. to read as follows:

This act shall not apply to persons in the active or auxiliary military services of the United States during war or the intended spouse.

On motion of Mr. St. John (Lawrence) said amendment was laid on the table.

Mr. St. John (Lawrence) moved that the Senate now proceed to the third reading and engrossment of the bill, S. 39, as amended.

And on motion of Mr. McCary, said motion of Mr. St. John (Lawrence) was laid on the table.

Yeas, 17; Nays, 13.

Yeas:

Messrs.:	Espy	Madison	Shaver	
Benson	Garrett	McCary	Sherrer	
Bentley	Hill	Newton	Simpson	
Bradford	Hornsby	Pinson	Toomer	
Cobb	Lawson			—17

Nays:

Messrs.:	Goodwin	Kelly	Smith	
Black	Henderson	Kilborn	Taylor	
Cater	High	St. John (Lawrence)	Walton	
Dodson	Jones			—13

Mr. McCary offered the following amendment to the bill, to-wit:

To amend sub-section one of Section one of Senate Bill 39 by striking out the words "other venereal disease," where they appear therein and inserting in lieu thereof the following:

"Or if a male person, any other venereal disease."

And on motion of Mr. St. John (Lawrence) the amendment offered by Mr. McCary was laid on the table.

Yeas, 23; Nays, 7.

Yeas:

Messrs.:	Espy	Kelly	Shaver
Benson	Garrett	Kilborn	Simpson
Bentley	Goodwin	Lawson	Smith
Black	Henderson	Madison	Taylor
Cater	High	Pinson	Toomer
Dodson	Jones	St. John (Lawrence)	Walton

—23

Nays:

Messrs.:	Cobb	Hornsby	Newton
Bradford	Hill	McCary	Sherrer

—7

Mr. Madison offered the following amendment to the bill, to-wit:

Amend Senate Bill No. 39 by adding Section 3½ to read as follows:

"Section 3½. Nothing contained in this act shall render any mariage void when consummated in violation of the terms hereof."

And on motion of Mr. St. John (Lawrence), the amendment offered by Mr. Madison was laid on the table.

Yeas, 18; Nays, 11.

Yeas:

Messrs.:	Espy	Jones	St. John (Lawrence)
Bentley	Garrett	Kelly	Shaver
Black	Goodwin	Kilborn	Simpson
Cater	Henderson	Lawson	Walton
Dodson	High	Pinson	

—18

Nays:

Messrs.:	Cobb	Madison	Sherrer
Benson	Hill	McCary	Smith
Bradford	Hornsby	Newton	Taylor

—11

Mr. Sherrer offered the following amendment to the bill, to-wit:

Amend Senate Bill 39 by adding to Section one, Sub-section 4. the following words:

"That no laboratory or physician shall charge a fee of more than one dollar for any examination or laboratory test."

And on motion of Mr. St. John (Lawrence), said amendment was laid on the table.

Yeas, 22; Nays, 7.

Yeas:

Messrs.:	Espy	Kelly	Shaver	
Bentley	Garrett	Kilborn	Simpson	
Black	Goodwin	Lawson	Smith	
Bradford	Henderson	Madison	Taylor	
Cater	High	Pinson	Walton	
Dodson	Jones	St. John (Lawrence)		—22

Nays:

Messrs.:	Cobb	Hornsby	Newton	
Benson	Hill	McCary	Sherrer	
				—7

Mr. McCary moved that the Senate do now recess for one hour, and on motion of Mr. Kilborn said motion to recess was laid on the table.

Yeas, 18; Nays, 10.

Yeas:

Messrs.:	Garrett	Kelly	Shaver	
Bentley	Goodwin	Kilborn	Simpson	
Black	Henderson	Lawson	Taylor	
Cater	High	Pinson	Walton	
Espy	Jones	St. John (Lawrence)		—18

Nays:

Messrs.:	Cobb	Madison	Sherrer	
Benson	Hill	McCary	Smith	
Bradford	Hornsby	Newton		—10

Mr. Hill offered the following amendment to the bill, to-wit:

Amend Sub-section 4 of Section 1 by adding after the words "State Board of Health" where the same first appears, the following words:

"and for the purpose of approving or disapproving such laboratory tests said State Baord of Health shall meet at least once in each year."

And on motion of Mr. St. John (Lawrence) said amendment offered by Mr. Hill, was laid on the table.

Yeas, 17; Nays, 11.

Yeas:

Messrs.:	Goodwin	Kilborn	Shaver	
Bentley	Henderson	Lawson	Simpson	
Black	High	Pinson	Taylor	
Cater	Jones	St. John (Lawrence)	Walton	
Espy	Kelly			—17

Nays:

Messrs.:	Cobb	Hornsby	Newton	
Benson	Garrett	Madison	Sherrer	
Bradford	Hill	McCary	Smith	
				—11

Mr. Newton moved that the Senate do now reconsider the vote by which the bill was ordered to its third reading and engrossment, and on motion of Mr. Jones, said motion was laid on the table.

Yeas, 18; Nays, 10.

Yeas:

Messrs.:	Garrett	Kelly	Shaver	
Bentley	Goodwin	Kilborn	Simpson	
Black	Henderson	Lawson	Toomer	
Cater	High	Pinson	Walton	
Espy	Jones	St. John (Lawrence)		—18

Nays:

Messrs.:	Cobb	Madison	Sherrer	
Benson	Hill	McCary	Taylor	
Bradford	Hornsby	Newton		—10

PAIR ANNOUNCED

Mr. Smith announced that he and Mr. Dodson were paired on this vote; that, Mr. Dodson, if present, would vote "Yea"; and he, Mr. Smith, would vote "No."

Mr. Hill moved that further consideration of the bill, as amended, be indefinitely postponed.

And on motion of Mr. St. John (Lawrence) said motion was laid on the table.

Yeas, 18; Nays, 10.

Yeas:

Messrs.:	Goodwin	Kilborn	Simpson	
Bentley	Henderson	Lawson	Taylor	
Black	High	Pinson	Toomer	
Cater	Jones	St. John (Lawrence)	Walton	
Espy	Kelly	Shaver		—18

Nays:

Messrs.:	Cobb	Hornsby	Newton	
Benson	Garrett	Madison	Sherrer	
Bradford	Hill	McCary		—10

Mr. Hill moved that further consideration of the bill, as amended, be postponed until the fifty-ninth day.

And on motion of Mr. St. John (Lawrence), said motion was laid on the table.

Yeas, 17; Nays, 10.

Yeas:

Messrs.:	Goodwin	Kilborn	Shaver	
Bentley	Henderson	Lawson	Simpson	
Black	High	Pinson	Toomer	
Cater	Jones	St. John (Lawrence)	Walton	
Espy	Kelly			—17

Nays:

Messrs.:	Cobb	Hornsby	Newton	
Benson	Garrett	Madison	Sherrer	
Bradford	Hill	McCary		—10

PAIR ANNOUNCED

Mr. Smith announced that he and Mr. Dodson were paired on this vote; that Mr. Dodson, if present, would vote "Yea," and he, Mr. Smith, would vote "No."

Mr. Newton moved that the Senate do now recess until four o'clock this afternoon, and on motion of Mr. St. John (Lawrence), said motion was laid on the table.

Yeas, 19; Nays, 8.

Yeas:

Messrs.:	Garrett	Kelly	St. John (Lawrence)	
Bentley	Goodwin	Kilborn	Shaver	
Black	Henderson	Lawson	Simpson	
Cater	High	Madison	Toomer	
Espy	Jones	Pinson	Walton	
				—19

Nays:

Messrs.:	Cobb	Hornsby	Newton	
Benson	Hill	McCary	Sherrer	
Bradford				—8

Mr. Madison moved that the Senate recess until 2:15 P. M., and on motion of Mr. St. John (Lawrence), said motion was laid on the table.

Yeas, 18; Nays, 9.

Yeas:

Messrs.:	Garrett	Kelly	Shaver	
Bentley	Goodwin	Kilborn	Simpson	
Black	Henderson	Lawson	Toomer	
Cater	High	Pinson	Walton	
Espy	Jones	St. John (Lawrence)		—18

Nays:

Messrs.:	Cobb	Madison	Newton	
Benson	Hill	McCary	Sherrer	
Bradford	Hornsby			—9

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 18; Nays, 10.

Yeas:

Messrs.:	Espy	Kelly	Shaver	
Bentley	Goodwin	Kilborn	Simpson	
Black	High	Lawson	Toomer	
Cater	Hill	Pinson	Walton	
Dodson	Jones	St. John (Lawrence)		—18

Nays:

Messrs.:	Garrett	McCary	Smith	
Benson	Hornsby	Newton	Taylor	
Cobb	Madison	Sherrer		—10

PAIR ANNOUNCED

Mr. Bradford announced that he and Mr. Henderson were paired on this vote; that, Mr. Henderson, if present, would vote "Yea"; and he, Mr. Bradford, would vote "No."

Mr. St. John (Lawrence), moved that the Senate reconsider the vote by which it just passed the bill, S. 39, and then moved to lay said motion on the table, and the motion to table prevailed.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Montgomery, Alabama.

Gentlemen:

I return you herewith Senate Joint Resolution No. 5, the body in which this resolution originated, and at the request of its author, for correction.

I suggest the following Executive Amendments which, if adopted, will removed my obection to said Joint Resolution:

Amend the Fifth (5) paragraph by striking the word "Congress" as it appears on line two, and insert the words "the Senate" in lieu thereof; also strike the word "Congress" where it appears on line three of said paragraph and insert the word "Senate" in lieu thereof.

Amend the Sixth (6) paragraph by striking the word "Congress" as it appears on line two and insert the words "the Senate" in lieu thereof.

Amend the Seventh (7) paragraph by striking the word "Congress" as it appears on line five thereof, and insert the words "the Senate" in lieu thereof.

Respectfully,
CHAUNCEY SPARKS,
Governor.

June 9, 1943.

GOVERNOR'S MESSAGE

On motion of Mr. Walton, the Senate concurred in the foregoing amendment by His Excellency, the Governor, to the resolution:

S. J. R. 5. Relative to Legislature of Alabama calling upon members of Congress from Alabama, to consider the advisability of submitting Constitutional amendment which shall give the right to Congress to ratify any peace treaty submitted to it by a simple majority rather than a two-thirds majority.

REPORT OF THE JOINT COMMITTEE OF THE HOUSE AND SENATE APPOINTED TO ARRANGE THE PROGRAM FOR THE PRESENTATION OF A MARBLE BUST OF GOVERNOR THOMAS GOODE JONES TO THE STATE OF ALABAMA

To The Members of the House and Senate:

The Joint Committee of the House and Senate heretofore appointed by a joint resolution to arrange the ceremony for the presentation of a marble bust of Gov. Thomas G. Jones to the State by his son, Judge Walter B. Jones, of Montgomery, does hereby report that it is arranged for said presentation ceremony to take place at 9:30 a.m. on Wednesday, the 23 day of June, 1943, at a public joint session of the House and Senate in the Hall of the House of Representatives.

The Joint Committee further reports that the presentation address will be delivered by Hon. John S. Tilley, of the Montgomery Bar, and that the Hon. Chauncey Sparks, Governor of Alabama, has accepted the invitation of the Legislature to receive the memorial, on behalf of the Legislature and the People of the State.

The Joint Committee further reports that it has arranged the full program for the occasion so that same shall be in keeping with the dignity of the occasion.

The Committee moves the adoption of this Report.

Respectfully Submitted,
JOHN H. PINSON,
Chairman for the Committee.

The foregoing was read and ordered spread upon the Journal.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Bennett of Barbour:

H. 322. To require all manufacturers, jobbers and wholesale dealers, engaged in making wholesale sales to retail dealers in Alabama, to make and preserve records of all sales or carbon copies of all invoices of goods, wares and merchandise sold to retail dealers in Alabama, to make such records and invoices available for inspection by the Department of Revenue, to authorize the introduction of such records and invoices in testimony in the hearing of sales tax cases before the Department, or courts of record on appeal, and to prescribe the penalties for the violation of the provisions of this act.

Also:

By Mr. Dearman:

H. 513. "To amend Section 30 (6845) (3361) (996) (1802) (2158) (1548) (1279) of Title 47 of the Code of Alabama of 1940.

Also:

By Mr. Dearman:

H. 514. "To Amend Section 626. (7883) (4161) (2034) (2508) (2822) of Title 7 of The Code of Alabama of 1940."

Also:

By Mr. Dearman:

H. 515. "To Amend Section 46, (7433) (3818) (1509) (1984) (2234) (1626) (1356) of Title 34 of the Code of Alabama of 1940."

And sends same herewith without engrossment to the Senate.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committee as follows:

H. 322, to the Committee on Finance and Taxation.
House bills 513, 514, and 515, to the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President;
The House has originated and passed the following bills:

By Mr. Stone:
H. 269. To confer emergency war powers upon the Governor of the State of Alabama for the duration of the war in which the United States is now engaged.

Also:
By Mr. Segrest:
H. 256. To authorize the Board of Revenue or Court of County Commissioners or like governing body in the several counties of this state to create the office of County Service Commissioner; to provide for the appointment; to fix his qualifications; to provide for his compensation, and; to define his powers and duties.

Also:
By Mr. Segrest:
H. 434. To authorize the employment by the Director of Public Safety or civilian guards for the highways, bridges and other public buildings and property belonging to the State; to define their powers and duties; and to appropriate sufficient funds for the salaries of such civilian guards.

Also:
By Mr. Wright and Mr. Payne:
H. 195. To amend Section 524, Title 52, Code of Alabama, 1940.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees as follows:

H. 269 and 434, to the Committee on Finance and Taxation.

H. 256, to the Committee on Military.

H. 195, to the Committee on Education.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Norman of Bullock:

H. 406. To amend Section 16, Title 51, of the Code of Alabama, 1940.

Also:

By Mr. Segrest:

H. 72. To make an appropriation for the support and maintenance of the Tuskegee Institute.

Also:

By Mr. Beebe:

H. 2. To amend Sections 6 and 7 of an Act entitled "An Act to amend an Act to incorporate the Tuskegee Normal and Industrial Institute, and to amend an act to amend an act to establish a normal school for colored teachers at Tuskegee, Alabama," approved February 21, 1893.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees as follows:

H. 406, to the Committee on Finance and Taxation.

H. 72 and H. 2, to the Committee on Education.

SPECIAL ORDERS CONTINUED

The bill:

S. 181. To amend Section 1 of an act entitled "An Act to further regulate the employees in the service of the State of Ala-

bama; to provide for the reemployment of such employees who have enlisted or served in any of the armed forces of the United States," approved July 10, 1940, General Acts 1939, page 1027.

Was taken up.

Mr. Shaver offered the following amendment to the bill, to-wit:

Amend S. B. 181 by striking from said bill the words "Federal Bureau of Investigation" wherever the same appear together therein.

Which was adopted.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:	Dodson	Jones	Shaver	
Bentley	Espy	Kilborn	Simpson	
Black	Garrett	Lawson	Smith	
Bradford	Goodwin	Madison	Toomer	
Cater	High	McCary	Walton	
Cobb	Hill	Pinson		—22

Nays: —0

Mr. Newton offered the following amendment to the bill, to-wit.

Amend the last sentence of section one of S. B. 181 by inserting the words "Red Cross" after the words "Coast Guard."

And on motion of Mr. Shaver, said amendment was laid on the table.

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:	Dodson	Kilborn	Shaver	
Bentley	Goodwin	Madison	Simpson	
Black	High	McCary	Smith	
Bradford	Hill	Newton	Toomer	
Cater	Jones	Pinson	Walton	
Cobb	Kelly	St. John (Lawrence)		—22

Nays: —0

The bill:

S. 166. To limit the time within which suits may be brought in the courts of this State for the recovery of wages, overtime, damages, fees or penalties accruing under laws respecting the

payment of wages and overtime, and specifically under the Act of Congress designated as the Fair Labor Standards Act of 1938 and similar laws.

Was taken up.

The Standing Committee on Judiciary offered the following amendment to the bill, to-wit:

Amend S. B. 166 by adding at the end of Section 1, and additional sentence to read as follows:

"This act shall not effect suits pending at the time of its passage."

Which was adopted.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:	Dodson	Kelly	Sherrer	
Benson	Espy	Kilborn	Simpson	
Bentley	Goodwin	Madison	Taylor	
Black	High	Pinson	Toomer	
Bradford	Hill	St. John (Lawrence)	Walton	
Cater	Jones	Shaver		—22

Nays: —0

Mr. Madison offered the following amendment to the bill, to-wit:

Amend Senate Bill No. 166 by striking from Section One of said bill the words "one year" wherever the same appear therein and by inserting in lieu thereof the words "three years."

And on motion of Mr. Simpson, the amendment offered by Mr. Madison was laid on the table.

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:	Espy	Kelly	Sherrer	
Benson	Goodwin	Kilborn	Simpson	
Bentley	Henderson	Madison	Smith	
Black	High	McCary	Taylor	
Bradford	Hill	Pinson	Toomer	
Cater	Hornsby	St. John (Lawrence)	Walton	
Dodson	Jones	Shaver		—26

Nays: —0

The bill:

S. 231. To authorize the employment by the Director of Public safety of civilian guards for the highways, bridges and other public buildings and property belonging to the State; to define their powers and duties; to exempt said persons so employed from the provisions of the Merit System and to appropriate sufficient funds for the salaries of such civilian guards.

Was taken up.

The Standing Committee on Finance and Taxation offered the following substitute for the bill, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To authorize the employment by the Director of Public Safety of civilian guards for the highways, bridges and other public buildings and property belonging to the State; to define their powers and duties; and to appropriate sufficient funds for the salaries of such civilian guards.

Be It Enacted By The Legislature Of Alabama:

Section 1. The Director of Public Safety, with the approval of the Governor, shall have the authority to employ civilian guards for the purpose of guarding the highways of the State, the bridges and public buildings and property of the State against saboteurs and other subversive action. The persons so employed as civilian guards, when commissioned by the Governor, shall have the same power and authority anywhere in the State of Alabama as peace officers.

Section 2. For the purpose of paying the guards employed under the provisions of this Act, there is hereby appropriated annually out of the general fund, not otherwise appropriated $50,000.00 or so much thereof as might be needed for carrying out the purpose and intent of this Act.

Section 3. This Act and the authority given the Director of Public Safety shall only be in effect during the present emergency. When the Governor of the State of Alabama determines by proclamation that the emergency in which the country now finds itself is over, this Act shall cease to have any force or effect.

Section 4. Any laws or parts of laws in conflict with this Act are hereby expressly repealed.

Section 5. This Act shall become effective upon its passage and approval by the Governor, or its otherwise becoming a law.

Which was adopted.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:	Espy	Hornsby	St. John (Lawrence)
Benson	Garrett	Jones	Sherrer
Bentley	Goodwin	Kelly	Simpson
Black	Henderson	Madison	Taylor
Bradford	High	McCary	Toomer
Cater	Hill	Pinson	Walton
Dodson			

—24

Nays: —0

And said bill, as thus amended by the substitute, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:	Espy	Jones	Shaver
Benson	Garrett	Kelly	Sherrer
Bentley	Goodwin	Kilborn	Simpson
Black	Henderson	Madison	Smith
Bradford	High	McCary	Taylor
Cater	Hill	Pinson	Toomer
Dodson	Hornsby	St. John (Lawrence)	Walton

—27

Nays: —0

The bill:

S. 132. To provide for the distribution and payment to the State Treasury and to the Counties of Alabama of any moneys received from the United States which accrued from receipts from National Forests within the State, or from any appropriation made by the United States to reimburse the State or any County of the State, for loss of taxes because of lands owned by the Federal Government therein; to provide that any County which receives any of said money shall cause to be set up an accounting record within which shall be recorded all moneys so received and the distribution made of all such moneys, and to provide the purposes for which money received by any County under the provisions of this Act may be expended; to provide for the payment and distribution of any money now in the State Treasury which has been

paid into the State Treasury by the United States on account of receipts from National Forest Lands within the State.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:	Goodwin	Kilborn	Shaver
Benson	High	Madison	Simpson
Bentley	Hill	McCary	Smith
Black	Hornsby	Newton	Taylor
Bradford	Jones	Pinson	Toomer
Espy	Kelly	St. John (Lawrence)	Walton
Garrett			

—24

Nays: —0

The bill:

S. 135. To repeal Sections 227, 228, 229, 230 and 231 of Title 8 of the Code of Alabama of 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Espy	Hornsby	Pinson
Benson	Garrett	Kelly	St. John (Lawrence)
Bentley	Goodwin	Kilborn	Simpson
Black	Henderson	Madison	Taylor
Cobb	High	McCary	Toomer
Dodson	Hill	Newton	Walton

—23

Nays: —0

The Bill:

S. 223. To Amend Section 111 of Title 17 of the Code of Alabama of 1940.

Was taken up.

Mr. Simpson offered the following amendment to the bill, to-wit:

Amend Sec. 1 of S. B. 223 by inserting the word "now" after the words "where voting machines are" occur together therein.

Which was adopted.

Yeas, 20; Nays, 1.

Yeas:

Messrs.:	Espy	Kelly	Simpson	
Benson	Garrett	Kilborn	Smith	
Bentley	Goodwin	Madison	Taylor	
Black	High	McCary	Toomer	
Cobb	Hornsby	Pinson	Walton	
Dodson				—20
Nay: Mr. Cater				—1

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 21; Nays, 1.

Yeas:

Messrs.:	Goodwin	Kilborn	Simpson	
Bentley	Henderson	Madison	Smith	
Black	High	McCary	Taylor	
Cobb	Hill	Pinson	Toomer	
Dodson	Hornsby	Shaver	Walton	
Espy	Kelly			—21
Nay: Mr. St. John (Lawrence)				—1

The bill:

S. 224. To provide additional compensation for election officials for attending schools of instruction regarding the use and operation of voting machines in all counties and municipalities or other political sub-divisions of the State, in which elections are conducted by voting machines; and to provide for the manner of paying said compensation.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:	Dodson	Kelly	Sherrer	
Benson	Espy	Kilborn	Simpson	
Bentley	Garrett	Madison	Smith	
Black	Goodwin	McCary	Taylor	
Bradford	Henderson	Pinson	Toomer	
Cater	High	St. John (Lawrence)	Walton	
Cobb	Hornsby	Shaver		—26
Nays:				—0

The bill:

S. 74. To amend Section 78 of Title 8 of the Code of Alabama of 1940.

Was taken up.

The Standing Committee on Agriculture offered the following amendment to the bill, to-wit:

Amend Senate Bill #74 by striking out the words "dams, traps, or other obstructions" in line four of Section 1 and substituting therefor the words, "trap or other obstructions other than dams."

Which was adopted.

Yeas, 20; Nays, 1.

Yeas:

Messrs.:	Espy	Kilborn	Shaver	
Benson	Henderson	Lawson	Simpson	
Bentley	High	McCary	Smith	
Black	Hill	Pinson	Toomer	
Cobb	Hornsby	St. John (Lawrence)	Walton	
Dodson				—20

Nay: Mr. Taylor —1

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:	Garrett	Kilborn	Shaver	
Bentley	Goodwin	Madison	Simpson	
Black	Henderson	McCary	Smith	
Bradford	High	Newton	Toomer	
Dodson	Hill	Pinson	Walton	
Espy	Hornsby	St. John (Lawrence)		—22

Nays: —0

The bill:

S. 127. To amend Section 21, Title 8, Code of Alabama 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:	Dodson	Hornsby	St. John (Lawrence)	
Bentley	Espy	Kilborn	Shaver	
Black	Garrett	Lawson	Simpson	
Bradford	Henderson	Madison	Toomer	
Cater	High	McCary	Walton	
Cobb	Hill	Pinson		—22

Nays: —0

The bill:

S. 71. To amend Title 8, Section 68 of the Code of Alabama of 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Dodson	Hill	Pinson
Bentley	Espy	Hornsby	St. John (Lawrence)
Black	Garrett	Kilborn	Shaver
Bradford	Goodwin	Lawson	Simpson
Cater	Henderson	Madison	Toomer
Cobb	High	McCary	Walton

—23

Nays: —0

RECESS

At 4:40 P. M., on motion of Mr. Simpson, the Senate took a recess until 7 o'clock P. M.

NIGHT SESSION—THIRTY-SEVENTH DAY

Wednesday, June 9, 1943.

The Senate re-assembled at 7 o'clock P. M., Lieutenant-Governor Ellis, presiding.

ROLL CALL

Present:

Messrs.:	Espy	Kilborn	Shaver
Benson	Garrett	Lawson	Sherrer
Bentley	Henderson	Madison	Simpson
Black	High	McCary	Smith
Bradford	Hill	Newton	Taylor
Carlton	Hornsby	Pinson	Toomer
Cobb	Kelly	St. John (Lawrence)	Walton
Dodson			

—28

INTRODUCTION OF BILLS

Upon call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Madison:

S. 363. To ratify and confirm expenditures heretofore made by the several counties and municipalities in the State of Alabama for the promotion of the sale of United States War Bonds and Stamps.

Committee on Municipalities and Municipal Organizations.

By Mr. McCary:

S. 364. To create a State Textbook Committee, to provide the qualifications and terms of office for the members of said Committee, to provide for the meetings of said Committee, to establish the duties of said Committee, to provide for the adoption of multiple lists of textbooks for use in the public schools of Alabama, to provide for the selection and purchase of textbooks from the adopted multiple list by proper school authorities, to provide for the distribution of such textbooks, to provide the penalty for violation of the terms of this Act, to repeal all laws and parts of laws in conflict, to provide for the effective date of this Act.

Committee on Education.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Snyder:

H. 330. To require a demand within a specified time for a jury trial in bastardy prosecutions in the circuit courts in counties having a population of 300,000 or more according to the last or any subsequent Federal census; and to provide for the trial of such cases by the court without a jury unless such demand is filed; and to authorize, provide for and regulate the demanding, selection, impanelling and obtaining of six-man and twelve-man juries for the trials of such cases; and without limiting or derogating from the generality and comprehensiveness of the foregoing portion of this title, to authorize, provide for and regulate the number of men to compose juries and to provide for six-man juries for the trials of such cases; and to provide for six-man juries in such cases under specified conditions and circumstances, and to provide for twelve-man juries in such cases under other specified conditions and circumstances, and to provide the mode in which juries shall be struck, or selected, or obtained; and to make rules with reference to jury demands in such cases.

Also:
By Mr. Snyder:

H. 331. To amend section 272 of Title 7 of the Alabama Code of 1940, so that said section as amended shall read as follows: In all civil and criminal cases the Charge of the Judge must be taken down by the Court Reporter or by some stenographer appointed by the Court, and reduced to writing and filed as a part of the record proper of the case, unless both parties or their counsel waive the reporting and making the Charge a part of the record; provided, however, that none of the foregoing provisions of this section shall be applicable in circuits which consist of only one County and have more than three judges.

Also:
By Mr. Snyder:

H. 339. To amend section 166 of Title 13 of the 1940 Code of Alabama.

Also:
By Mr. Snyder:

H. 144. Relating To Judicial Notice of Ordinances Of Cities Which May Now Or Hereafter Have A Population Of Two Hundred Thousand Or More People According To The Last Or Any Succeeding Federal Census.

Also:
By Mr. Snyder:

H. 445. To amend Section 144, Title 12, of the Code of Alabama of 1940.

Also:
By Mr. Snyder:

H. 443. To amend Section 145, Title 12, Code of Alabama of 1940.

Also:
By Mr. Thomas:

H. 657. To fix the compensation or salary to be paid the tax assessor of Montgomery County, Alabama, and to regulate the payment of same, to provide for the selection of clerical help and other assistance to said officer and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such officer; to require said officer to pay into the county treasury of said county all costs, charges of courts, fees and commissions authorized by law to be collected by said officer as other monies belonging to said county are paid,

except any salary, fees or commissions paid said officer for assessing or collecting taxes for any municipality.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

is hereby given that a bill will be introduced in the Legislature of Alabama, in the 1943 Session thereof, which bill is in substance as follows:

A BILL
TO BE ENTITLED
AN ACT

To fix the compensation or salary to be paid the tax assessor of Montgomery County, Alabama, and to regulate the payment of same, to provide for the selection of clerical help and other assistance to said officer and the manner of fixing his compensation and paying the same, and to provide rules and regulations for the payment and conduct of such officer; and to require said officer to pay into the county treasury of said county all costs, charges of courts, fees and commissions authorized by law to be collected by said officer as other monies belonging to said county are paid, except any salary, fees or commissions paid said officer for assessing or collecting taxes for any municipality.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the tax assessor of Montgomery County, Alabama, shall be paid an annual salary, which shall be paid to and received by him in lieu of all other compensations, fees or emoluments, as follows: The tax assessor shall receive an annual salary of four thousand dollars net, except as herein otherwise provided, and an allowance of twelve thousand dollars per annum for office help as follows: one clerk at three thousand dollars per annum, and five clerks at eighteen hundred dollars per annum, and one thousand dollars per annum for other expenses and ex-officio services of the said tax assessor. The said one thousand dollars to be paid to the tax assessor in monthly installments.

Section 2. The Board of Revenue or other governing body of like jurisdiction of Montgomery County, Alabama, is also authorized and empowered to furnish the Tax Assessor of said county extra clerical assistance not to exceed nine hundred dollars per annum whenever in their discretion such assistance is necessary. The personnel of said assistants to be selected by the said Tax Assessor.

Section 3. That the Tax Assessor shall pay into the county treasury of said county, all costs, charges of court, fees and commissions authorized by law, or which may hereafter be authorized by law to be collected by him as monies belonging to said county are paid. Provided that any salary, fees or commissions paid to said officer for assessing or collecting taxes of any municipality shall not be paid into the treasury of said county, but shall be held by said officer as compensation for such services in addition to his salary as herein provided. The Board of Revenue or other governing body

of like jurisdiction of Montgomery County, Alabama, shall have the power and authority to have audited the accounts of said officer for the purpose of requiring a strict compliance with the provisions of this Act.

Section 4. That all compensation and salary of the Tax Assessor and all allowances provided for expenses, clerical help and other assistance shall be paid out of the general fund of the said Montgomery County in monthly installments.

Section 5. That the premium on the Tax Assessor's bond and the bonds of his clerks and deputies shall be paid out of the general fund of Montgomery County.

Section 6. That all laws or parts of laws, general, local or special, in conflict with the provisions of this act be, and the same are hereby expressly repealed.

Section 7. That this act shall go into effect immediately upon its approval by the Governor, or upon its otherwise becoming a law.

May 13-20-27, June 3, 1943.

STATE OF ALABAMA,
MONTGOMERY COUNTY.

Before me, a Notary Public, in and for said State and County aforesaid, personally appeared Frank Nunnelee, Publisher of The Montgomery Weekly, and after being duly sworn by me, deposes and says that the attached Legal Notice was published in The Montgomery Weekly for 4 consecutive weeks, as follows: May 13-20-27 and June 3, 1943.

That The Montgomery Weekly is a weekly newspaper of general circulation in Montgomery County, Alabama; That it is entered in the Postoffice at Montgomery, Alabama as second-class mailing matter; That it has been published for 52 consecutive weeks prior to the publication of this legal notice.

(Signed) FRANK NUNNELEE,
Publisher.

Sworn to and subscribed before me, this 4th day of June, 1943.

(Signed) VIRGINIA B. RANGELEY,
Notary Public.

Also:

By Mr. Stewart and Mr. Harris:

H. 581. For the relief of the persons hereinafter named, and to require the Morgan County Board of Education to pay certain amounts to G. W. McCutcheon, F. O. Helms, Tennis Russell, Sam Osborn, Dallis Baker, Jerome Russell, Austin Jennings, Doss Knighten, James Brooks, Gip Yancey, Gilbert Prince, Gilbert Haynes, J. F. Turney, and Will Fielder on account of certain work done by them at the request and for the benefit of said Morgan County Board of Education and to provide the fund out of which the same shall be payable and the time within which said amount shall be paid.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that a bill substantially as follows will be introduced at the session of the Legislature of Alabama which convenes in May, 1943, and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

For the relief of the persons hereinafter named, and to require the Morgan County Board of Education to pay certain amounts to G. W. McCutcheon, F. O. Helms, Tennis Russell, Sam Osborn, Dallis Baker, Jerome Russell, Austin Jennings, Doss Knighten, James Brooks, Gip Yancey, Gilbert Prince, Gilbert Haynes, J. F. Turney, and Will Fielder on account of certain work done by them at the request and for the benefit of said Morgan County Board of Education and to provide the fund out of which the same shall be payable and the time within which said amount shall be paid.

WHEREAS, The persons hereinabove named in the title of this Act, in the spring of 1934, at the request of the County Superintendent of Education of Morgan County, Alabama, and of the Chairman of the Morgan County Board of Education, did certain work and labor upon the Cotaco High School building situated in said county under an agreement that they were to be paid for said work at the rate of forty cents per hour, and were to be paid in the fall of 1934, and,

WHEREAS, The said persons have never been paid for their said work and labor, and are in equity and good conscience justly entitled to be paid therefor.

Now Therefore, Be It Enacted By The Legislature Of Alabama:

Section 1. That the Morgan County Board of Education of Morgan County, Alabama, be, and it is hereby authorized and directed, and required to pay to the following parties the following amounts respectively, to-wit: G. W. McCutcheon, the sum of $43.50; F. O. Helms, the sum of $36.00; Tennis Russell, the sum of $18.00; Sam Osborn, the sum of $45.00; Dallis Baker, the sum of $45.00; Jerome Russell, the sum of $45.00; Austin Jennings, the sum of $43.50; Doss Knighten, the sum of $45.00; James Brooks, the sum of $44.40; Gip Yancey, the sum of $45.00; Gilbert Prince, the sum of $26.40; Gilbert Haynes, the sum of $27.00; J. F. Turney, the sum of $27.00; Will Fielder, the sum of $44.40.

Section 2. The amounts hereinabove directed to be paid shall be paid out of the first moneys received by the Morgan County Board of Education of Morgan County, Alabama, from receipts from Poll tax for the tax year beginning October 1, 1943. Should the said Board so desire, it may pay said amounts out of such other moneys as may be constitutionally available for said purpose.

Section 3. No amount hereinabove directed to be paid shall be paid unless the person entitled to the same makes demand therefor by July 1, 1944.

VERNON L. ST. JOHN,
W. H. STEWART,
NORMAN W. HARRIS.

STATE OF ALABAMA,
MORGAN COUNTY,

Before me, the undersigned authority in and for said County in said State, this day personally appeared D. K. Wiggins, who, being by me first

duly sworn, deposes and says that he is publisher of The Hartselle Enquirer, which is and has been during the times herein mentioned, a newspaper of general circulation published in Hartselle, Morgan County, Alabama, and that a certain notice, of which the foregoing and attached notice is a true copy, was published in said newspapers once a week for four successive weeks, appearing in the issues of said newspaper published on the 29th day of April, and on the 6th, 13th and 20th days of May, all in the year 1943, and that said publication was made without cost to the State of Alabama.

D. K. WIGGINS,

Sworn to and subscribed before me, this 21 day of May, 1943.

SIM L. HOWELL,
(Seal) Notary Public.

Also:

By Mr. Fite:

H. 651. To alter and re-arrange the boundaries of the Town of Hamilton, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA,
MARION COUNTY.

NOTICE OF INTENTION TO APPLY FOR PASSAGE OF LOCAL LAW

TO WHOM IT MAY CONCERN:

In pursuance of the requirements of Section 106 of the Constitution of 1901, notice is hereby given that application will be made to the Legislature of Alabama, during the 1943 regular session thereof, for the enactment of a local law in substance as follows:

A BILL
TO BE ENTITLED:
AN ACT

To alter and re-arrange the boundaries of the Town of Hamilton, in Alabama.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the boundaries of the Town of Hamilton, Alabama, in the County of Marion, be and the same hereby are altered and re-arranged so as to include within the corporate limits of the said Town of Hamilton all the following described territory, to-wit:

East one-half of the East one-half of Section 33; all of Section 34; and all of Sections 35 and 36 lying west of Buttahatchee River; all in Township 10 south, Range 14 west. All of Section 2 lying west of Buttahatchee River; all of Section 3; and East one-half of the East one-half of Section 4; in Township 11 south, Range 14 west, in Marion County, Alabama.

Section 2. That all laws and parts of laws, either general or special, in conflict with the provisions of this act be and the same are hereby repealed.

Section 3. That this Act shall go into effect upon its approval by the Governor.

This, the 1st day of May, 1943.

4-6-13-20-27. ERNEST B. FITE.

Before me, B. H. Carpenter, Clerk of Circuit Court in and for said County, in State aforesaid, personally appeared F. B. McKENZIE, who, being duly sworn, doth depose and say that he is publisher of THE MARION COUNTY NEWS, a weekly newspaper published in the Town of Hamilton, State and County aforesaid, and that a certain advertisement (a true copy of which is hereto attached) has been published in said newspaper for four consecutive weeks prior to the third day of June, 1943, and the respective numbers and dates of said newspaper in which said publication was made are the following, to-wit: No. 30 the 6th day of May, 1943; No. 31 the 13th day of May, 1943; No. 32 the 20th day of May, 1943; No. 33 the 27th day of May, 1943.

And affiant further deposes and says that said publication was made without cost to the State of Alabama.

F. B. McKENZIE,
Publisher.

Sworn to and subscribed before me, this third day of June, 1943.

B. H. CARPENTER,
Clerk of Circuit Court.

Also:

By Mr. Dobbs of Elmore and Mr. Golson of Elmore:

H. 659. To repeal an act to allow the sheriff of Elmore County an additional deputy; to provide for his appointment, qualification by giving bond, to hold office at the pleasure of said sheriff, to fix his compensation and provide for payment thereof out of the general fund of the county; and to provide for appointment of successor where such deputy is removed, dies, or resigns, approved March 31, 1936.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that at the present session of the Legislature of the State of Alabama, application will be made for the passage of a certain bill the substance of which is as follows:

AN ACT

To repeal an act to allow the sheriff of Elmore County an additional deputy; to provide for his appointment, qualification by giving bond, to hold office at the pleasure of said sheriff, to fix his compensation and provide for payment thereof out of the general fund of the county; and to provide for appointment of a successor where such deputy is removed, dies, or resigns, approved March 31, 1936.

Be it enacted by the Legislature of Alabama:

Section 1. That an act entitled an act to allow the sheriff of Elmore County an additional deputy; to provide for his appointment, qualification by giving bond, to hold office at the pleasure of said sheriff, to fix his compensation and provide for payment thereof out of the general fund of the county; and to provide for appointment of a successor where such deputy is removed, dies, or resigns, approved March 31, 1936, be and the same is hereby repealed.
13 May 4t.

The State of Alabama,
Elmore County.

Before me the undersigned authority personally appeared H. H. Golson, who by me first being duly sworn deposes and says that he is the Publisher of The Wetumpka Herald, a weekly newspaper published at Wetumpka, in Elmore County, Alabama, and that the attached notice A bill to be entitles an act: To repeal an act to allow the Sheriff of Elmore County an additional deputy, was published in said newspaper for 4 successive weeks towit: May 13, 20, 27, 1943; and June 3, 1943.

H. H. GOLSON,
Publisher of The Wetumpka Herald.

Sworn to and subscribed before me this the 5 day of June, 1943.

ELAINE PEAVY,
Notary Public.

Also:

By Mr. Dobbs of Elmore and Mr. Golson of Elmore:

H. 663. To provide for the payment of traveling expenses of the Chief Deputy Sheriff of Elmore County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that at the present session of the Legislature of the State of Alabama, application will be made for the passage of a certain bill the substance of which is as follows:

AN ACT

To provide for the payment of traveling expenses of the Chief Deputy Sheriff of Elmore County, Alabama.

Be it enacted by the Legislature of Alabama:

Section I. That in addition to the compensation now provided by law to be paid to the Chief Deputy Sheriff of Elmore County, Alabama, he shall be paid for traveling in the performance of his official duties as such Chief Deputy Sheriff at the rate of five cents (5c) per mile in all cases where he provides his own vehicle and pays for operating the same; provided,

however, he shall not be paid more than One Hundred ($100.00) Dollars in any one month for such traveling expenses.

Section II. The said Chief Deputy Sheriff shall be paid for such mileage as provided for in the preceding section each month for the number of miles so traveled during the preceding month, and claims therefor shall be filed with the Court of County Commissioners of Elmore County and payment made all in the manner as now provided by law for presentation and payment of other claims against the county.

Section III. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby expressly repealed.

Section IV. This act shall go into effect immediately upon its passage and approval.

13 May 4t.

The State of Alabama,
Elmore County.

Before me the undersigned authority personally appeared H. H. Golson, who by me first being duly sworn deposes and says that he is the Publisher of The Wetumpka Herald, a weekly newspaper published at Wetumpka, in Elmore County, Alabama, and that the attached notice A bill to be entitled an act: To provide for the payment of traveling expenses of the Chief Deputy Sheriff of Elmore County, Alabama. was published in said newspaper for 4 successive weeks towit: May 13, 20, 27, 1943 and June 3, 1943.

H. H. GOLSON,
Publisher of, The Wetumpka Herald.

Sworn to and subscribed before me this the 5 day of June, 1943.

ELAINE PEAVY,
Notary Public.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committee as follows:

House bills, 330, 331, 339, 444, 445, 443, 657, 581, 651, 659, and 633, to the Committee on Local Legislation.

RESOLUTION

Mr. Walton offered the following Senate joint Resolution, towit:

S. J. R. 50. WHEREAS, the Legislature of Alabama, due to the new law providing for biennial sessions of the same, has been working at top speed; and

WHEREAS, because of the fact that the session is limited to sixty days, and in which said sixty days the Legislature must

meet and all committees must meet and function, thereby taking up all the time of the members of the Legislature; and

WHEREAS, it is the sense of the Legislature that some relief should be given the Legislature.

NOW, THEREFORE, BE IT RESOLVED by the Senate, the House of Representatives concurring, that a committee be appointed, consisting of eight members from the House and five members from the Senate, said committee to be charged and authorized to work out a feasible plan for a day shift and a night shift of the Legislature.

Which was read and referred to the Standing Committee on Rules.

ORDER TO PRINT

On motion of Mr. Simpson, 500 copies of the bills: S. 233, S. 234, were ordered printed for the use of the Senate.

BILLS ON THIRD READING

The bill:

S. 73. To amend Section 63 Title 8 of the Code of Alabama of 1940.

Was taken up.

The Standing Committee on Agriculture offered the following amendment to the bill, to-wit:

Amend by adding Section 1½ to read as follows:

Section 1½. All owners or operators of private waters engaging in the sale of game fish must notify in writing the Department of Conservation of his or their intention to do so. The said owners or operators must give the location of the pond or private water and the approximate size of the pond or private waters. It shall be unlawful for any person to sell game fish except those taken from ponds or private waters registered as above provided.

Mr. Henderson offered the following substitute for the bill, and pending committee amendment, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 63, Title 8 of the Code of Alabama of 1940.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That Section 63, Title 8 of the Code of Alabama of 1940 is hereby amended to read as follows:

"It shall be unlawful for any person, firm or corporation to sell or offer for sale within, or ship or transport for sale within or without this State, or to ship into this State any game fish caught or taken from public waters of this or and other State. Nothing in this section shall prohibit the sale, resale, purchase, possession, or transportation within the State, of fish taken from private waters by permission of the owners of such waters. All fish taken from private waters may be transported, possessed, bought, sold or re-sold within the boundaries of this State. A violation of this section shall constitute a misdemeanor and upon conviction the person so violating shall be fined not less than ten nor more than fifty dollars for each offense."

Section 2. All owners or operators of private waters engaging in the sale of game fish must notify in writing the Department of Conservation of his or their intention to do so. The said owners or operators must give the location of pond or private waters and the approximate size of the pond or private waters. It shall be unlawful for any person to sell game fish except those taken from ponds or private waters registered as above provided.

Section 3. REPEALING CLAUSE:—All laws or parts of laws in conflict with this Act are hereby expressly repealed.

Section 4. SEVERANCE:—If any section, clause, provision or portion of this Act shall be held invalid or unconstitutional by any court of competent jurisdiction, such invadility shall not effect any other section, clause, provision or portion of this Act which is not of itself void or unconstitutional; and it is now declared that the other parts or sections would have been enacted regardless of any section or parts of sections which might be held void or unconstitutional.

Section 5. EFFECTIVE DATE:—This Act shall take effect immediately upon the passage and approval of this Act or its otherwise becoming a law.

Mr. Kilborn moved that the Senate postpone further consideration of the pending substitute, for the bill and pending committee amendment, until the thirty-ninth day, and that 250 copies of the substitute be printed for the use of the Senate.

And on motion of Mr. Henderson, the motion of Mr. Kilborn was laid on the table.

And the substitute offered by Mr. Henderson, for the bill and pending committee amendment, was then adopted.

Yeas, 22; Nays, 2.

Yeas:

Messrs.:	Espy	Kelly	Shaver
Benson	Garrett	Lawson	Simpson
Bentley	Henderson	Madison	Smith
Black	High	McCary	Toomer
Bradford	Hill	Pinson	Walton
Dodson	Hornsby	St. John (Lawrence)	—22

Nays: Messrs.: Kilborn and Taylor —2

Mr. Shaver offered the following amendment to the bill, as amended by the substitute, to-wit:

Amend substitute for S. B. 73 by adding at the end of Section 1 thereof the following "Provided, however, that nothing in this section shall be construed to permit the sale or re-sale of bass."

Mr. Kilborn then moved that the bill, as amended by the substitute, and pending amendment be re-referred to the Standing Committee on Fish and Game.

And on motion of Mr. Henderson, said motion was laid on the table.

Yeas, 19; Nays, 7.

Yeas:

Messrs.:	Dodson	Kelly	St. John (Lawrence)
Benson	Espy	Lawson	Simpson
Bentley	Garrett	Madison	Smith
Black	Henderson	Newton	Toomer
Bradford	High	Pinson	Walton
			—19

Nays:

Messrs.:	Hornsby	McCary	Sherrer
Cobb	Kilborn	Shaver	Taylor
			—7

Mr. Henderson then moved that the amendment offered by Mr. Shaver be laid on the table, which motion prevailed.

Mr. Kilborn moved that the Senate do now adjourn, which motion was lost.

Mr. Taylor offered the following amendment to the bill, to-wit:

Amend substitute for S. B. 73 by adding to Section 2 thereof the following:

"Provided also that nothing contained herein shall prohibit the sale of fish taken from public streams by dynamiting."

And on motion of Mr. Henderson, said amendment was laid on the table.

And said bill, as thus amended by the substitute, was then read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 22; Nays, 4.

Yeas:

Messrs.:	Espy	Kilborn	St. John (Lawrence)	
Benson	Garrett	Lawson	Simpson	
Bentley	Henderson	Madison	Smith	
Black	High	McCary	Toomer	
Bradford	Hill	Newton	Walton	
Dodson	Kelly	Pinson		—22

Nays: Messrs.: Hornsby, Shaver, Sherrer and Taylor —4

Mr. Simpson then moved that the Senate reconsider the vote by which it just passed the bill, and then moved to lay said motion on the table, and the motion to table prevailed.

The bill:

S. 1. To provide against want and destitution caused by unemployment resulting from economic emergency in the State of Alabama, through the encouragement of the construction of public works projects by political subdivisions of the State; to provide for the creation and incorporation of the Alabama Emergency Finance Corporation and to define its powers and duties; to authorize the purchase, resale, or exchange by said corporation of public improvement assessment bonds or revenue bonds issued by any body politic of the State of Alabama; to encourage or promote the construction or reconstruction of any public works project by said Alabama Emergency Finance Corporation; to appropriate one million dollars to the Alabama Emergency Finance Corporation to be used for said purposes, and to appropriate twenty-five thousand dollars to pay the costs and expenses of said corporation.

Was taken up.

Mr. St. John (Lawrence) moved that the Senate postpone further consideration of the bill until the thirty-ninth day, and on motion of Mr. Hill the motion to postpone was laid on the table.

Yeas, 21; Nays, 2.

Yeas:

Messrs.:	Garrett	Lawson	Simpson	
Benson	High	Madison	Smith	
Bentley	Hill	McCary	Taylor	
Black	Hornsby	Shaver	Toomer	
Bradford	Kelly	Sherrer	Walton	
Dodson	Kilborn			—21

Nays: Messrs.: Cobb and St. John (Lawrence) —2

Mr. McCary offered the following amendment to the bill, to-wit:

Amend Senate Bill 1, Section 4 by striking out the words "part or all, at the discretion of the War Emergency Council," and inserting in lieu thereof the following:

From any surplus over $750,000 in the General Fund at the end of any year, to be released on order of the Governor."

Also strike out the words "War Emergency Council" where they follow the words "upon the order of the" and insert in lieu thereof the word "Governor."

And on motion of Mr. Hill, the amendment offered by Mr. McCary was laid on the table.

Yeas, 21; Nays, 2.

Yeas:

Messrs.:	Dodson	Kelly	Simpson
Benson	Espy	Lawson	Smith
Bentley	Garrett	Madison	Taylor
Black	High	Shaver	Toomer
Bradford	Hill	Sherrer	Walton
Cobb	Hornsby		

—21

Nays: Messrs.: McCary and St. John (Lawrence) —2

Mr. St. John (Lawrence) moved that the Senate do now adjourn, which was lost.

Yeas, 2; Nays, 24.

Yeas: Messrs.: Cobb and St. John (Lawrence) —2

Nays:

Messrs.:	Espy	Kelly	Shaver
Benson	Garrett	Lawson	Simpson
Bentley	Henderson	Madison	Smith
Black	High	McCary	Taylor
Bradford	Hill	Newton	Toomer
Carlton	Hornsby	Pinson	Walton
Dodson			

—24

Mr. St. John (Lawrence) moved that further consideration of the bill, be postponed until the next day, and on motion of Mr. Hill said motion to postpone was table.

Yeas, 22; Nays, 5.

Yeas:

Messrs.:	Black	Dodson	High
Benson	Bradford	Espy	Hill
Bentley	Carlton	Garrett	Hornsby

Kelly	McCary	Sherrer	Toomer	
Lawson	Pinson	Simpson	Walton	
Madison	Shaver	Taylor		—22

Nays:

Messrs.:	Henderson	St. John (Lawrence)	Smith	
Cobb	Newton			—5

And the bill was then read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 22; Nays, 5.

Yeas:

Messrs.:	Dodson	Kelly	Sherrer	
Benson	Espy	Lawson	Simpson	
Bentley	Garrett	Madison	Taylor	
Black	High	McCary	Toomer	
Bradford	Hill	Pinson	Walton	
Carlton	Hornsby	Shaver		—22

Nays:

Messrs.:	Henderson	St. John (Lawrence)	Smith	
Cobb	Newton			—5

The bill:

S. 72. To repeal Section 62 Title 8 of the Code of Alabama of 1940.

Was taken up.

Mr. Henderson offered the following substitute for the bill, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To repeal Section 62 Title 8 of the Code of Alabama of 1940.

Be It Enacted By The Legislature Of Alabama:

Section 1. That Section 62 Title 8 of the Code of Alabama of 1940 is hereby repealed.

Section 2. That this act shall take effect immediately upon its approval or its otherwise becoming a law.

Which was adopted.

Yeas, 21; Nays, 1.

Yeas:

Messrs.:	Espy	Lawson	Shaver	
Benson	Garrett	Madison	Simpson	
Black	Henderson	McCary	Smith	
Bradford	High	Pinson	Toomer	
Carlton	Hornsby	St. John (Lawrence)	Walton	
Dodson	Kelly			—21

Nay: Mr. Taylor —1

Mr. Sherrer moved that the Senate do now adourn until tomorrow at eleven o'clock, which motion was lost.

Yeas, 9, Nays, 16.

Yeas:

Messrs.:	Bradford	Shaver	Taylor	
Benson	Espy	Sherrer	Walton	
Black	St. John (Lawrence)			—9

Nays:

Messrs.:	Henderson	Kelly	Pinson	
Bentley	High	Lawson	Simpson	
Carlton	Hill	Madison	Smith	
Dodson	Hornsby	McCary	Toomer	
Garrett				—16

And said bill, as thus amended by the substitute, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 21; Nays, 4.

Yeas:

Messrs.:	Dodson	Hornsby	St. John (Lawrence)	
Benson	Espy	Kelly	Simpson	
Bentley	Garrett	Lawson	Smith	
Black	Henderson	McCary	Toomer	
Bradford	High	Pinson	Walton	
Carlton	Hill			—21

Nays: Messrs.: Madison, Shaver, Sherrer and Taylor —4

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the thirty-seventh day and finds same correct and containing all original entries and references threto required by the Constitution.

Jim Smith, Jr.,
Chairman.

COMMITTEE REPORT

On motion of Mr. Smith, the foregoing report was concurred in and the Journal of the Senate for the thirty-seventh day approved by the Senate.

ADJOURNMENT

At 10 P. M., on motion of Mr. Walton, the Senate adjourned until tomorrow, Thursday, June 10, 1943, at 11 o'clock A. M.

THIRTY-EIGHTH DAY

Thursday, June 10, 1943.

The Senate met pursuant to adjournment, Lieutenant-Governor Ellis presiding.

PRAYER

The session was opened with prayer by Captain Frank Breene, Gunter Field, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:			
Benson	Dodson	Kelly	St. John (Lawrence)
Bentley	Espy	Kilborn	Shaver
Black	Garrett	Lawson	Sherrer
Bradford	Goodwin	Madison	Simpson
Brown	Henderson	McCary	Smith
Carlton	High	Newton	Taylor
Cater	Hill	Pinson	Toomer
Cobb	Hornsby	St. John (Cullman)	Walton

—32

JOURNAL

On motion of Mr. Carlton the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

JOINT SESSION

The hour of eleven o'clock having arrived, the Senate repaired to the hall of the House of Representatives to hear an address by

Honorable Henry Steagall and also an address by Honorable Homer Challioux.

The purpose of the joint session having been accomplished the Senate retired to its chamber.

ADJOURNMENT

At 12:15 P. M., on motion of Mr. Kilborn the Senate adjourned until tomorrow, Friday, June 11, 1943, at ten o'clock A. M.

THIRTY-NINTH DAY

Friday, June 11, 1943.

The Senate met pursuant to adjournment, Lieutenant-Governor Ellis, presiding.

PRAYER

The Session was opened with Prayer by Rev. James H. McBroom, of the Church of Christ, Montgomery.

ROLL CALL

Present:

Messrs.:	Espy	Kelly	St. John (Lawrence)
Benson	Garrett	Kilborn	Shaver
Bentley	Goodwin	Lawson	Sherrer
Black	Henderson	Madison	Simpson
Bradford	High	McCary	Smith
Carlton	Hill	Newton	Taylor
Cater	Hornsby	Pinson	Toomer
Cobb	Jones	St. John (Cullman)	Walton

—31

JOURNAL

On motion of Mr. Carlton, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

RESOLUTIONS

The Rules Committee offered the following Senate resolution, to-wit:

S. R. 51. Be it resolved by the Senate that the order of procedure for the 39th Legislative day, upon reaching the calendar, be as follows:

1. All local bills on the calendar.

2. Senate Bill 188 by Mr. Bentley.

3. Senate Bills in the order in which they appear on the calendar.

Which was adopted.

The Rules Committee offered the following Senate joint resolution, to-wit:

S. J. R. 52. BE IT RESOLVED BY THE SENATE, the House concurring that when the two houses adjourn today, they adjourn to meet again Tuesday, June 15th, 1943, at 10 A.M.

Which was adopted.

The Rules Committee offered the following Senate resolution, to-wit:

S. R. 53. Be it resolved by the Senate that the order of procedure for Tuesday, June 15th, upon reaching the calendar, shall be as follows:

H. B. 66, H. B. 62, H. B. 87, H. B. 434, H. B. 115, H. B. 269, H. B. 406, H. B. 389, H. B. 63, H. B. 329.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 213. To empower the governing body of every State department, of every county, municipality, board, commission or subdivision of the State of Alabama to contribute to the premiums on group life insurance policies and group hospitalization insurance on the lives of such of its officers or employes who desire to take out such insurance, and to provide for a method of collection of premiums by deductions from the salaries of officers and employes of the various political subdivisions who consent and subscribe to a play of group life insurance and group hospitalization insurance, or either, and to limit the monthly amount per employe which may be so expended and to permit the governing bodies of such State

departments and of any county, municipality or subdivision of the State to appropriate funds for this purpose.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the resolution:

S. J. R. 5. Calling upon our Senators and Representatives in the National Congress from Alabama to seriously consider the advisability of having Congress submit to the several states of this Union a Constitutional amendment, embodying the provision that Senate shall have the right to ratify any peace treaty submitted to it by a simple majority vote of the members rather than by a two-thirds majority as now required by law.

And said Senate joint resolution 5 is herewith returned to the Senate.

R. T. Goodwyn, Jr.,
Clerk.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following Enrolled Bills wit hthe original and engrossed bills, respectively, and finds same correctly enrolled, to-wit:

S. 208. To create the office of County Solicitor of Cherokee County; to provide for his election, and the method appointment in the event of a vacancy; to fix his salary and define his powers and duties; and to repeal all general and local laws in conflict herewith so far as they relate to Cherokee County.

Also:

S. 210. To fix the salary of the Judge of Probate of Cherokee County, Alabama, The Tax Collector of Cherokee County, the Tax Assessor of Cherokee County, the Clerk of the Court of Cherokee County, the Register in Chancery of Cherokee County, the Deputy Solicitor of Cherokee County, the Sheriff of Cherokee County; to provide for his deputies and to provide for clerical

assistance and other expenses of said offices of Probate Judge and Sheriff; to require each of said officers to collect all the fees, compensation and allowances heretofore collected by said officers and which may hereafter be collected by said officers and cover same into the County Treasury on or before the fifth day of each month, and to provide for the payment of the salary of clerical assistance and other office expense by the Treasury of the County.

Also:

S. 217. To establish a Law and Equity Court for Cherokee County, Alabama; to define its jurisdiction and powers; to provide for its officers, their powers and duties and compensations, to provide that said court shall be open at all times for the trial of cases and transaction of business; to provide the rules and procedure of said court; to provide a fine and forfeiture fund for said court; to provide for the transfer of certain causes now or hereafter pending in the Circuit Court and the Juvenile Court of Cherokee County, Alabama, to the Cherokee Law and Equity Court; and to abolish the County Court of Cherokee County, Alabama; and to give the said court Juvenile Jurisdiction.

S. 213. To empower the governing body of every State department, of every county, municipality, board, commission or subdivision of the State of Alabama to contribute to the premiums on group life insurance policies and group hospitalization insurance on the lives of such of its officers or employes who desire to take out such insurance, and to provide for a method of collection of premiums by deductions from the salaries of officers and employes of the various political subdivisions who consent and subscribe to a play of group life insurance and group hospitalization insurance, or either, and to limit the monthly amount per employe which may be so expended and to permit the governing bodies of such State departments and of any county, municipality or subdivision of the State to appropriate funds for this purpose.

Sam High,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following Senate joint resolutions with the original Senate joint resolutions, and finds same correctly enrolled, to-wit:

S. J. R. 45. Relative to: Senate Joint Resolution No. 19, be designated as the Madison-Sullivan Resolution.

Also:

S. J. R. 5. RELATIVE TO: Calling upon the Senators of Alabama in the National Congress from Alabama to seriously consider the advisability of having Congress submit to the several states of this Union a constitutional amendment embodying the provision that the Senate shall have the right to radify any peace treaty submitted to it by a simple majority vote of the members rather than by a two-thirds majority as now required by law.

Sam High,
Chairman.

SIGNING OF SENATE JOINT RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispnsd with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate joint resolutions; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Engrossed Bills begs leave to report that said committee, in session, has compared the following bill with the original bill, and finds same correctly engrossed, to-wit:

S. 39. To amend Sections 95, 96 and 278 of Title 22 of the 1940 Code of Alabama, all relating to public health.

Orlan B. Hill,
Chairman.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Madison:

S. 365. To provide that all fines imposed and all forfeitures made final, in the inferior court of Tuscaloosa County, when collected, shall within thirty days, be paid into the general fund of Tuscaloosa County, any general or local law to the contrary notwithstanding, and to provide when this Act shall go into effect.

Committee on Local Legislation.

iWth notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that application will be made to the Legislature of Alabama, at the present session thereof, for the passage of a bill to become a law providing as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide that all fines imposed and all forfeitures made final, in the Inferior Court of Tuscaloosa County, when collected, shall within thirty days, be paid into the general fund of Tuscaloosa County, any general or local law to the contrary notwithstanding, and to provide when this act shall ga into effect.

Be It Enacted By The Legislature Of Alabama:

Section 1. All fines imposed and all forfeitures made final, in the Inferior Court of Tuscaloosa County, when collected, shall within thirty days, be paid into the general fund of Tuscaloosa County, any general or local law to the contrary notwithstanding.

Section 2. The provisions of this Act shall go into effect on its passage and approval by the Governor.

This 17th day of May, 1943.

J. C. AUSTIN
E. L. DODSON
GORDON MADISON

I hereby certify that the attached notice was published in the Tuscaloosa News once a week for four consecutive weeks; viz, May 18, 25; June 1, 8, 1943, and that the Tuscaloosa News is a newspaper published in Tuscaloosa County, Alabama.

BRUCE SHELTON,
Publisher.
LILLA COLLINS,
Notary Public.

(Seal)

My Messrs. Carlton and Kilborn:

S. 366. To provide an additional method whereby the governing bodies of incorporated bodies of incorporated cities and towns may enlarge or contract their boundaries.

Committee on Municipalities and Municipal Organizations.

By Mr. Cater:

S. 367. To amend Section 304 and Section 314, Title 51, of the 1940 Code of Alabama.

By Mr. Espy.

S. 368. To regulate the sale of motor fuel and lubricating oils at retail for use and consumption in motor vehicles so as to require the posting of retail prices and prohibiting the selling of such products at prices other than those posted, and to fix penalties for the violations thereof.

Committee on Public Roads and Highways.

By Messrs. Henderson and Garrett:

S. 369. To regulate the labeling, sale and offering or exposing for sale or distribution of agricultural, vegetable, flower and herb seeds; to prevent misrepresentation thereof; to give the State Board of Agriculture and Industries the authority to promulgate rules and regulations for the purpose of carrying out the provisions of this Act; to repeal all laws in conflict with this Act; to make the violation of any of the provisions of this Act a misdemeanor and to prescribe the punishment therefor; and for other purposes - - -

Committee on Agriculture.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Dearman:

H. J. R. 54. WHEREAS, it is reported that efforts are being made in Washington to extend the eastern seaboard gasoline rationing to the State of Alabama and other states where there are no shortages of gasoline supplies, and

WHEREAS, there are adequate stocks of gasoline available by way of water, pipe line and truck transportation in Alabama, and

WHEREAS, such unnecessary rationing will hamper the production and movement of war supplies and labor, and

WHEREAS, a further reduction in gasoline consumption will endanger the State and County road financing and maintenance.

NOW, THEREFORE, be it RESOLVED that the Legislature of Alabama request our delegation in the United States Congress to use their best efforts in preventing such unnecessary rationing in Alabama, and

That a copy of this Resolution be forwarded to each of our Senators and Congressmen.

And sends same herewith to the Senate for its consideration.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The resolution, H. J. R. 54, which is set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

REPORTS OF COMMITTEES

Mr. Simpson, Chairman of the Standing Committee on Finance and Taxation reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Carnley:
H. 18. To amend Section 88, Title 36, Code of Alabama, 1940.

By Mr. Hodo:
H. 48. To make an appropriation for the support and maintenance of the Alabama Vocational School for Girls.

By Mr. Sessions:
H. 52. To amend Title 2, Section 568, of the Code of Alabama of 1940.

By Mr. Smyer:
H. 61. To provide an optional method to income tax payers for returning as income, increases in redemption value of securities purchased at a discount.

By Mr. Smyer:
H. 63. To repeal Sections 368 to 373 inclusive of Article 5, Chapter 10 of Title 55 of the Code of Alabama of 1940.

By Messrs. Kirby, Sullivan, McGinty, Rains, Sightler, Ard, Smyer and Segrest (with amendment):

H. 66. To create and establish a War Emergency Council and a fund therefor; to provide for its organization and to define its powers and duties; to fix the compensation of its members and to define their powers, authority, and duties; to appropriate funds for the operation and use of said council.

By Mr. Segrest:

H. 70. To provide for the removal from office of fiduciaries engaged in war Service and to provide for the appointment of their successors, and to provide for the removal from office of such successor fiduciaries and the reappointment of fiduciaries theretofore removed from office because of War Service, and to provide for notice and hearing of petitions for the above purposes and to provide for bonds to be given by fiduciaries so appointed and to define the term "War Service" and the term "fiduciary" as used herein.

By Mr. Smyer:

H. 219. To amend Title 51, Section 425 (b) of the Code of Alabama of 1940, a part of the Revenue Code, so as to include within the "deductions" therein permitted: contributions or gifts made by financial institutions to a Community Chest or to recognized religious, charitable, scientific or educational institutions or agencies, or institutions or agencies for the prevention of cruelty to children or animals which are not operated for profit and the net earnings of which do not inure to the benefit of any private stockholder or individual, or contribute for vocational rehabilitation authorized by the United States Vocational Rehabilitation Act.

By Mr. Smyer (with amendment):

H. 236. To establish a Gorgas memorial and to provide for its maintenance and administration and to make the necessary appropriation to that end.

By Mr. Stone:

H. 269. To confer emergency war powers upon the Governor of the State of Alabama for the duration of the war in which the United States is now engaged.

By Messrs. Rains and McCurdy:

H. 313. To provide for the disposition and use of the profits, including all tax levied upon the selling price of all spirituous or vinous liquors, less all cost and expense of collecting said tax, of the Alabama Liquor Stores operated under the Alcoholic Beverage Control Board of Alabama.

By Mr. Smyer:

H. 329. To appropriate moneys for the retirement of the public debt of the State of Alabama, for a sinking fund for the retirement

of Class A Renewal, Class C Renewal and Funding Renewal Bonds, and for the payment of principal on Harbor Improvement Bonds, as they severally mature, for each of the fiscal years ending September 30, 1944 and September 30, 1945.

By Mr. Gwin:
H. 376. For the relief of William Roy Hathaway.

By Mr. Hooton:
H. 405. To provide for the care and maintenance of the former inmates of the Confederate Soldiers' Home at Mountain Creek.

By Mr. Norman (of Bullock):
H. 406. To amend Section 16, Title 51, of the Code of Alabama, 1940.

By Mr. Segrest:
H. 434. To authorize the employment by the Director of Public Safety of civilian guards for the highways, bridges and other public buildings and property belonging to the State; to define their powers and duties; and to appropriate sufficient funds for the salaries of such civilian guards.

By Mr. Locke:
H. 472. To provide for the acceptance, collection, and distribution of payments in lieu of taxes made to the State by the United States, or any department, agency, or instrumentality thereof, engaged in the production of hylro-electric power.

By Mr. Newton (with amendment):
S. 277. To authorize the several counties to pay for the fuel used by the sheriff in preparing meals for prisoners.

By Mr. Goodwin:
S. 297. To amend Section 182, Title 55, Code 1940.

By Mr. Kilborn (with substitute):
S. 303. To appropriate the sum of three hundred and fifteen thousand dollars ($315,000.00) from the Treasury of the State of Alabama; to designate the purpose of and to whom said appropriation shall be made; and to provide when the same shall be paid and how the same shall be expended.

By Mr. Kilborn (with amendment):
S. 304. To amend Section 229 of Title 45 of the Code of Alabama of 1940.

Mr. Simpson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate

without recommendation, and it was read a second time and placed on the calendar, to-wit:

By Mr. Newton (without recommendation):

S. 299. To make provision for the creaiton and maintenance of a Sub-Agricultural Experiment Station in the soil types of the State of Alabama as represented in the area generally known as the Upper Coastal Plains Area, for the purpose of finding out new scientific facts in regard to the use of fertilizer for farm and truck crops; the adaptation and improvement of varities of crops; the establishment and improvement of pastures; the production of feed and forage crops; the economic production and management of livestock; the production of fruits, vegetables, nuts, and citrus fruit; the control of insect pests and plant and livestock diseases; and other similar important agricultural and ecomonic problems having for their object the development of a more permanent, profitable, and diversified agriculture; to designate the counties of the State constituting the Upper Coastal Plains Area; to provide for the location of said Sub-Agricultural Experiment Station; to make appropriations to the Board of Trustees of the Alabama Polytechnic Institute for carrying out the purposes of this act; to provide for the administration and direction of this work; to authorize and empower county boards of revenue, county commissioners, or other governing bodies having similar jurisdiction in the several counties composing the Upper Coastal Plains Area, individuals, firms, organizations, corporations, companies, or municipalities to make donations and appropriations for the purchase of lands and equipment for said Sub-Agricultural Experiment Station; and to authorize the Board of Trustees of the Alabama Polytechnic Institute to accept such donations.

Mr. Lawson, Chairman of the Standing Committee on Banking, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Kilborn (with amendment):

S. 143. To amend Title 55, Section 155 of the 1940 Code of Alabama.

By Mr. Hodo:

H. 146. To authorize the deposit with the State Treasurer or other State agency of investment share accounts or similar securities issued by any savings and loan association chartered by the State of Alabama or by the United States Government and doing business in the State of Alabama investments in which are guar-

anteed as to principal by the United States Government or insured as to principal by any instrumentality or agency thereof, by any person, firm, corporation, association or other legal entity required or authorized under the laws of the State of Alabama to deposit securities with the State Treasurer or other State agency, provided the amount deposited shall not exceed the amount so insured.

Mr. McCary, Chairman of the Standing Committee on Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Sessions:

H. 176. To provide for the rehabilitation, reorganization and liquidation of insurers doing business in more than one state; to define a "reciprocal state"; to provide that the insurance supervisory agency of such state be vested with title to the assets of any domestic insurer and conduct the affairs of delinquent insurers under judicial supervision; to provide for the filing of claims in this State by claimants who reside, or whose claims are based upon acts or contracts of insurers, in a reciprocal state; to provide that the Circuit Courts of this State shall have jurisdiction of such claims arising in this State; to determine the preferences against the general assets of domestic insurers; to provide for the administration of such deposits, or bonds in lieu thereof, of delinquent domestic insurers; to establish equalization of secured claims against delinquent domestic insurers and to define same; to provide that title to assets of delinquent domestic insurers shall vest in the insurance supervisory agency of any reciprocal state wherein proceedings against such insurer are commenced; to define those special deposits of such insurers which shall be subject to such proceedings; and to provide for the administration of general assets of such insurers by the insurance supervisory agency of reciprocal states.

Mr. McCary, Chairman of the Standing Committee on Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with an adverse report, and it was read a second time and placed on the adverse calendar, to-wit:

By Mr. Hill:

S. 282. To require any individual, firm, corporation or association insuring any building, structure or other property in this State against loss or damage by fire or other hazard to cause such building, structure or other property to be examined by an agent

of the insurer and a full description thereof to be made and the insurable value thereof to be fixed by such agent and written in the policy; to require, in the absence of any change increasing the risk without the consent of the insurer, in case of total loss the whole amount mentioned in the policy upon which the insurer receives a premium shall be paid, and in case of partial loss the full amount of the partial loss shall be paid, but in no case to require the payment of more than the amount upon which a premium is collected; to fix the measure of damages in case of total loss, and to fix the measure of damages in case of a partial loss.

Mr. Madison, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Seate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Wright and Payne:

H. 195. To amend Section 524, Title 52, Code of Alabama, 1940.

Mr. Henderson, Chairman of the Standing Committee on Constitutional Revision and Amendments, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they severally read a second time and placed on the calendar, to-wit:

By Mr. Kelly (with amendment):

S. 327. To propose an amendment to repeal Article V, Section 131 of the Constitution of Alabama, and to order an election for the qualified electors of the State of Alabama upon the proposed amendment to be held on the first Tuesday after the end of three months from the final adjournment of the present session of the Legislature.

The above bill was read a second time at length as required by the Constitution.

By Mr. Kelly (with amendment):

S. 326. To propose an amendment to repeal Article XV, Sections 271, 272, 273, 274, 275, 276, 277, and 278 of the Constitution of Alabama, to substitute certain provisions therefor, and to order an election for the qualified electors of the State of Alabama upon the proposed amendment to be held on the first Tuesday after the end of three months from the final adjournment of the present session of the Legislature.

The above bill was read a second time at length as required by the Constitution.

By Mr. Sherrer:

S. 167. To propose an amendment to the Constitution of Alabama relating to the time of convention of the Legislature, the length of sessions of the Legislature, and the compensation and travel allowance of members of the Legislature, and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held at the next general election after the final adjournment of the present session of the Legislature. And to provide for the expenses of holding said election.

The above bill was read a second time at length as required by the Constitution.

By Mr. Fite:

H. 74. To propose an amendment to Section 251 of the Constitution of Alabama, and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held at the next general election in November 1944, at which the amendment is proposed.

The above bill was read a second time at length as required by the Constitution.

By Mr. Wood at request of Mr. Hardwick:

H. 407. To submit to the qualified voters of the State of Alabama at an election to be held at the next General Election after the expiration of three months, after the final adjournment of the present regular session of the 1943 Legislature, for their consideration, an amendment to the Constitution of Alabama, so as to authorize and empower the Legislature of Alabama, from time to time, by general or local laws to fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and provide the method and basis of their compensation, or consolidate any of said offices in the following named county: Houston, and whereby all Acts of the regular session of the Legislature of 1943, heretofore passed and applicable or purporting to be applicable, to said county, and fixing or purporting to be applicable, to said county, and fixing or purporting to fix the compensation of said named county officers on a salary basis, are validated and confirmed.

The above bill was read a second time at length as required by the Constitution.

By Mr. Gwin:

H. 1. To propose to amend section 194½ of the Constitution of Alabama so that as amended said section shall read as follows: "Section 194½. No person who honorably served in the military service of the United States between January 1, 1917, and November 11, 1918, or between September 16, 1940 and December 8, 1941, or at any time, past or present or future when the United States was, is or shall be at war with any foreign state, shall be required after the beginning of such service to pay the poll tax specified in the constitution of Alabama as a prerequisite to the privilege of voting in Alabama: but, on the contrary, every such person shall be exempt from the payment of all poll taxes which have theretofore accrued and have not been paid or which may thereafter accrue; provided, however, that if any such person is discharged dishonorably from said service the exemption herein provided is forfeited, and such dishonorably discharged person, as a prerequisite to the privilege of voting in Alabama thereafter, must pay the poll tax specified in the constitution of Alabama as if such person had never been in such service. The term "military service" as used in this section includes service in the army of the United States, the United States Navy, the Marine Corps, the Coast Guard, the Women's Army Auxiliary Corps, the Women's Appointed Volunteer Emergency Service, and the Women's Reserve of the United States Navy. The United States shall not be deemed at war with a foreign state within the meaning of this section at a time when an armistice exists between the United States and the foreign state. The Judge of Probate shall issue a certificate of exemption to a person exempt from the payment of poll tax by reason of this section under such rules and regulations as may be prescribed by the Governor. This section shall be self-executing and retrocative; but the Legislature is authorized to enact laws designed to carry out the purposes of this section"; and to order an election by the qualified electors of the state upon such proposed amendment to be held on the date of the General Election to be held in November 1944.

The above bill was read a second time at length as required by the Constitution.

Mr. Garrett, Chairman of the Standing Committee on Agriculture, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Bradford:

S. 324. To amend Sections 674 and 675 and 676 of Title 2 of the Code of Alabama of 1940.

By Mr. Toomer:

S. 356. To provide for regulating the manufacture, baking, mixing, compounding, sale or offering for sale for human consumption of bread, flour, degerminated or bolted corn meal and grits as defined herein, and to require the enrichment of bread, flour, degerminated or bolted corn meal and grits by the addition of certain vitamins and minerals and to prescribe the methods of enrichment; authorizing the Alabama State Board of Agriculture, to change, or add to, the specifications for ingredients and amounts thereof; providing the method of enrichment; and authorizing the Alabama State Board of Agriculture to prescribe rules and regulations as prescribed herein to carry out the provisions of this Act; to authorize the Alabama State Board of Ariculture to determine the availability of the necessary ingredients; to define the terms used herein; to fix active enforcement date; and to fix penalties for violation of same.

By Mr. Simpson:

S. 153. To amend Section 755 Sub-section (f), Title 51, of the Code of Alabama of 1940.

By Mr. Simpson (with amendment):

S. 154. To amend Section 75, Sub-section (h), Title 51, of the Code of Alabama of 1940.

By Mr. Toomer:

S. 357. To provide for and regulate the addition of vitamins to oleomargarine sold in the State of Alabama, and to fix the penalty for violation of the same.

By Messrs. Simpson, Henderson, Garrett and Espy:

S. 352. To provide for a refund of a certain portion of the State excise tax on gasoline when the gasoline is used for agricultural purposes; to provide the manner of effecting such refund; to authorize the Commissioner of Revenue to make rules and regulations to carry out the provisions of this act; to make the violation of this act and the rules and regulations promulgated hereunder a misdemeanor, and to provide the punishment therefor.

Mr. St. John (Cullman), Chairman of the Standing Committee on Municipalities and Municipal Organization, reported that said Committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they

were severally read a second time and placed on the calendar, to-wit:

By Mr. Madison:

S. 363. To ratify and confirm expenditures heretofore made by the several countes and municipalities in the State of Alabama for the promotion of the sale of United States War Bonds and Stamps.

By Mr. St. John (Culman):

S. 320. To provide for the sale of airports, or landing fields for the use of airplanes and other aircraft, owned by any town, city or municipal corporation in the State of Alabama, and the disposition of proceeds from such sale.

By Mr. St. John (Lawrence):

S. 361. To amend Section 428, Title 37, Code of 1940.

By Mr. Espy (with substitute):

S. 358. To authorize all cities and towns within the State of Alabama to fix and collect licenses for any business, trade or profession done outside the corporate limits, but within the police jurisdiction thereof.

By Mr. Smith:

S. 261. To authorize the several counties and municipalities of the State of Alabama to appropriate moneys for the promotion of the sale of United States War Bonds and Stamps, and to limit its expenditures.

Mr. Black, Chairman of the Standing Committee on County and County Boundaries, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Henderson, Carlton and High:

S. 360. To provide for state aid in the construction of county roads, as herein defined, and for that purpose to appropriate money out of the State Public Road and Bridge Fund to be used with an equal amount of money apropriated by the counties out of their Gasoline Excise Tax Funds for such construction, to be used under the joint supervision of the County and the State Highway Department through a division thereof to be known as the Bureau of County Aid; and to authorize the State Highway Department to make rules and regulations necessary or convenient for the administration of this act.

By Mr. Segrest:

H. 69. To authorize Boards of Revenue and Courts of County Commissioners or like governing bodies in the several counties of this State to invest any surplus funds.

By Mr. Petrey (with notice and proof):

H. 591. To repeal an Act entitled "An Act to require the Court of County Commissioners, County Treasurer and County Depository of Crenshaw County, Alabama to set aside each year out of the general fund of the County twenty-five per cent of the amount received by said general fund each year, and which said twenty-five per cent shall be paid to the holders and owners of warrants now outstanding against said general fund in the order of their registration and in the priority of their payment".

Mr. Jones, Chairman of the Standing Committee on Public Health, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Smith:

S. 260. To amend Section 194, Title 46, of the 1940 Code of Alabama.

By Mr. Hooton:

H. 350. To amend Section 74 and Section 177 of Title 29 of the 1940 Code of Alabama.

By Mr. Smith:

S. 258. To amend Section 198, Title 46, of the 1940 Code of Alabama.

Mr. Jones, Chairman of the Standing Committee on Public Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate without recommendation, and it was read a second time and placed on the calendar, to-wit:

By Mr. Henderson (without recommendation):

S. 70. To authorize and provide for the sterilization of particular types of mentally diseased, insane, epileptic, mentally deficient, criminal and delinquent persons in the State of Alabama; to provide and define the method of obtaining the authority to sterilize in each case and by whom such authority is to be granted; to define and name the method of sterilization; to provide for appeals from the decision of officials of the Alabama State Hospitals and from the decisions of the County Boards of Censors and Convict

Board of Doctors; to designate and prescribe by whom costs and expenses of such proceedings and sterilization operations are to be borne; and to protect against civil or criminal prosecution persons legally participating in the execution of the provisions of this Act.

Mr. Hill, Vice-Chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Locke (with amendment):
H. 583. To amend Section 67 of Title 36 of the 1940 Code of Alabama.

Mr. Pinson, Chairman of the Standing Committee on Forestry and Conservation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Norman (Bullock):
H. 431. To amend Section 502, Title 51 of the Code of 1940.

Mr. Cobb, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Edwards (with amendment):
H. 220. To amend Title 13, Section 199 of the Code of Alabama.

By Mr. Snyder:
H. 331. To amend section 272 of title 7 of the Alabama Code of 1940, so that said section as amended shall read as follows: In all civil and criminal cases the charge of the Judge must be taken down by the Court Reporter or by some stenographer appointed by the Court, and reduced to writing and filed as a part of the record proper of the case, unless both parties or their counsel waive the reporting and making the charge a part of the record; provided, however, that none of the foregoing provisions of this section shall be applicable in circuits which consist of only one county and have more than three judges.

By Mr. Snyder:
H. 339. To amend section 166 of Title 13 of the 1940 Code of Alabama.

By Mr. Snyder:

H. 444. Relating to judicial notice of ordinances of cities which may now or hereafter have a population of two hundred thousand or more people according to the last or any succeeding Federal census.

By Mr. Edwards (with notice and proof):

H. 625. To amend section 1 of An Act approved September 7, 1935, entitled "An Act to amend Section 2, 5 and 8 and to make more certain the repeal of Section 9-½ of an Act entitled 'An Act to better provide for holding the Circuit Court of the Tenth Judicial Circuit at Bessemer, in and for the following portions of Jefferson County, to-wit: Williams Precinct No. 1, Jonesboro Precinct No. 2, Parsons Precinct No. 3, Aarons Precinct No. 4, Short Creek Precinct No. 5, Bethlehem Precinct No. 7, Meeks Precinct No. 24, Toadvine Precinct, No. 27, Bessemer Precinct No. 33, Gwins Precinct No. 35, Huey's Precinct No. 40, Parkwood Precinct No. 41, Mulga Precinct No. 49, Virginia Mines Precinct No. 51, Fairfield Precinct No. 53, and Brighton Precinct No. 55, to define the purisdiction thereof, to provide for organizing and empaneling grand juries therefor and define the jurisdiction of said grand juries, to regulate the holding of said court at said place, and otherwise provide therefor,' approved August 18th, 1919, said amendment operating to rearrange the territorial boundary lines of the jurisdiction of said court so held at Bessemer, and defining the boundary lines thereof by metes and bounds in stead of precincts, and making more certain the elimination of Section 9-½ therefrom."

By Mr. Wood (with notice and proof):

H. 613. To amend an act approved by the Governor February 24, 1937, entitled an Act to provide for the compensation of members of the Board of County Commissioners of Bibb Countp out of the Gasoline Excise Tax Fund:

By Messrs. Sullivan, Stone and Johnston (with notice and proof):

H. 586. To amend Section 2 of an act entitled "An act to fix and regulate the salary to be charged or received by the tax collector of Mobile County; to provide for assistants to the said tax collector, and their compensation; to fix and regulate the method and basis of payment and collection of such salary of the tax collector and compensation for his asisstants; to provide that such salary shall be in lieu of all other compensation, fees, commissions or emoluments; to declare the provisions of existing law, touching the commission of tax collectors for collecting general and special and school taxes, inapplicable to Mobile County; and to provide for the payment, into the County Treasury of Mobile

County, of certain moneys, fees and penalties that were heretofore part of the compensation, emoluments and perquisites of the office of Tax Collector of Mobile County, Alabama, adopted by the Legislature of 1935 and approved August 15th, 1935, and set out in Local Acts of Alabama of 1935, page 139.

By Mr. Armstrong (with notice and proof):

H. 620. To allow the members of Jackson County Board of Education twenty regular meeting days and pay for not more than twenty days for each year, payable from the General School Funds of Jackson County, Alabama.

By Mr. Thomas (with notice and proof):

H. 657. To fix the compensation or salary to be paid the tax assessor of Montgomery County, Alabama, and to regulate the payment of same, to provide for the selection of clerical help and other assistance to said officer and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such officer; and to require said officer to pay into the county treasury of said county all costs, charges of courts, fees and commissions authorized by law to be collected by said officer as other monies belonging to said county are paid, except any salary, fees or commissions paid said officer for assessing or collecting taxes for any municipality.

By Messrs. Dobbs and Golson (of Elmore) (with notice and proof):

H. 659. To repeal an act to allow the sheriff of Elmore County an additional deputy; to provide for his appointment, qualification by giving bond, to hold office at the pleasure of said sheriff, to fix his compensation and provide for payment thereof out of the general fund of the county; and to provide for appointment of a successor where such deputy is removed, dies, or resigns, approved March 31, 1936.

By Messrs. Dobbs and Golson (of Elmore) (with notice and proof):

H. 663. To provide for the payment of traveling expenses of the Chief Deputy Sheriff of Elmore County, Alabama.

By Mr. Owens (with notice and proof):

H. 616. To amend Section One of a Local Act of the Legislature of Alabama, approved, April 6, 1936, Entitled An Act to Prohibit the furnishing by the Board of County Commissioners, or like governing body, of Madison County, Alabama, of any automobile, or other conveyance, or motor fuel, or oil, to any member of said Board, or governing body, for use by him in the prosecution of his duties or employment as a member of such Board, or otherwise; and to prohibit the use of any such articles

by any member of such Board, or governing body, furnished in violation of the provisions of this Act, and to fix the penalty for such violations.

Mr. Shaver, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Eddins (with substitute):
H. 495. To amend Section 154, of Title 41, of the 1940 Code of Alabama.

By Mr. Garrett:
S. 359. To amend Section 140, Title 46, Code of 1940.

Mr. Kelly, Acting-Chairman of the Standing Committee on Military, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Segrest:
H. 256. To authorize the Board of Revenue or Court of County Commissioners or like governing body in the several counties of this state to create the office of County Service Commissioner; to provide for the appointment; to fix his qualifications; to provide for his compensation, and; to define his powers and duties.

ORDER TO PRINT

On motion of Mr. Simpson, 250 copies of the bill: House 269, were ordered printed for the use of the Senate.

BILLS REPORTED FAVORABLY AND RE-REFERRED

Mr. Madison, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time, to-wit:

H. 2. To amend Sections 6 and 7 of an Act entitled "An Act to amend an act to incorporate the Tuskegee Normal and Industrial Institute, and to amend an act to amend an act to establish a normal school for colored teachers at Tuskegee, Alabama", approved February 21, 1893.

Also:

H. 72. To make an apropriation for the support and maintenance of the Tuskegee Institute.

And said bills were re-referred by the President of the Senate to the Standing Committee on Finance and Taxation.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Montgomery, Alabama

Gentlemen:

I return you herewith Senate Joint Resolution No. 13, the body in which this resolution originated, without my approval.

This resolution designates Senate Bill No. 51 as the Bradford-Cole Bill. Senate Bill No. 51 which passed the Senate was indefinitely postponed by the House of Representatives.

House Bill No. 124, which is the same and identical as Senate Bill No. 51, having passed both Houses and approved by me on May 15th, was heretofore designated as the Bradford-Cole Bill by House Joint Resolution No. 22, which has also been approved by me.

Respectively

CHAUNCEY SPARKS,
Governor.

June 11, 1943.

GOVERNOR'S MESSAGE

The foregoing Message from the Governor, was read and ordered spread upon the Journal.

OPINION OF THE SUPREME COURT

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT
THE SUPREME COURT OF ALABAMA
OCTOBER TERM, 1942-43

To the Senate of Alabama,
Montgomery.

Sirs:

In response to your inquiry of June 7th, 1943, relative to Senate Bill No. 330, which authorizes the investment in United States Government Bonds of funds held in trust pursuant to the provisions of the Income Tax Amendment to the Constitution of Alabama (Article XXII, Amendment No. XXV) for the payment of State of Alabama Refunding Bonds dated July 1, 1935, we submit the following:

We note that Article XXII, Constitution, ordains that "all income derived from such tax (Income Tax) shall be held in trust for the payment of the floating debt of Alabama, until all debts on October 1, 1932, are paid and thereafter used exclusively for the reduction of State ad valorem taxes." And in Article XXIII, "To create a sinking fund for the prompt and faithful payment of the floating indebtedness of the State and interest thereon, the

net proceeds of any income tax which may be levied by the Legislature pursuant to law is hereby pledged." The floating indebtedness was by it also validated. The two articles are companion features and were submitted and approved at the same time.—**In re. Opinions of Justices,** 273 Ala. 286, 186 So. 485.

We held in an advisory opinion, 237 Ala. 276, 186 So. 484, that no part of the income tax revenue could be loaned to county and city boards of education repayable "if and when the unloaned funds of said sinking fund are insufficient to pay the maturing principal and interest in any year on refunding bonds issued pursuant" to an act of the legislature.

Such a fund cannot be diverted through the guise of an investment in State securities of a sort different from those for which it was pledged. See, **Graham v. Horton,** 6 Kan. 343. Nor can the legislature use any part of it to reimburse the county boards of education for moneys due them by the state for trust fund moneys collected under sections 256 to 260, Constitution, and not disbursed to them.—**In re: Opinion of Justices,** 237 Ala. 386, 186 So. 485.

Such funds can only be applied to the payment of the State obligations and purposes declared in Articles XXII and XXIII, **supra.** But it is not important that the method of doing so shall be by any standard formula, if the purpose declared in thet Constitution is carried into effect.—**In re: Opinions of Justices,** 237 Ala. 382, 186 So. 724.

The provision for using the surplus to reduce the ad valorem taxes is not self executing.—**In re: Opinions of Justices,** 237 Ala. 671, 188 So. 899; ib. 241 Ala. 416, 3 So. (2d) 50.

We have under consideration the State as trustee of a fund created by authority of the Constitution, which must be applied to certain purposes and none other. This requirement is precise and exacting and cannot by any method be circumvented. But there is nothing in the Constitution as to the form in which the fund shall be maintained in the State Treasury or whether shall it be invested so as to earn an income during the period of its inactivity. The State is made an expres strustee of the fund.—Article XXII, **supra.**

By Section 74, Constitution, the legislature is prohibited from authorizing the investment of any trust fund by executors, administrators, guardian or other trustees, in bonds or stock of any private corporation.

The Legislature has undertaken to prescribe the power of trustees in making investments, of course, subject to section 74, **spura.**—Title 58, ¶¶ 47 to 55, Code of 1940; **White v. White,** 230 Ala. 641, 162 So. 368. This power specifically includes investments in bonds of the United States. And such an investment is uniformly regarded as a safe and proper one.—65 C. J. 800, ¶ 677.

The general rule is well settled that where trust money cannot be applied either immediately or within a short time to the purposes of the trust it is the duty of the trustee to make the fund productive by investment of it in some proper security.—65 C. J. 795, ¶ 672.

In **Ex parte Selma and Gulf R. R. Co.,** 46 Ala. 423, the court was dealing with a fund created by an Act of Congress, in which the state was a trustee to be used for making public roads, canals, and improving navigation of rivers, called the three per cent fund.

This principle has been in substance approved in this Sttae as applicable when the State is itself a trustee of funds held for a certain purpose.—**Ex parte Selma and Gulf Railroad Co.,** 46 Ala. 423.

But the State cannot now "lend money or its credit to any individual, association or corporation."—Sections 23 and 93 (see Amendments 1 and 12), Constitution.

We think that we should eliminate as investments for State funds held in trust under the Income Tax Amendment (Articles XXII and XXIII, Constitution, **supra),** (1) any State of Alabama securities other than those

for which the fund is pledged and held as security; (2) loans to any private individual, association or corporation; (3) bonds or stock of any private corporation. But this does not exclude bonds of the United States as a proper form of investment. The faith and credit of the United States is the foundation of all money values within its territory. If that is discredited, we have no financial security of any sort.

When the State has in its custody funds held in trust for certain purposes which cannot be aplied to the purposes within a reasonably short time, with no prohibition to the contrary, we do not think the policy manifested by our Constitution in any of its features would prohibit the Legislature from authorizing and providing for an investment of them in the bonds of the United States of such description and bearing such interest and payable as may be selected pursuant to legislative authority, and held in trust until they are needed for the trust requirements, and then sold for that purpose.

It must be clearly understood that the income from such investments must be held in trust on the same terms and for the same purposes as is the principal.

We, therefore, wish to say in response to your inquiry, **supra**, that, in our opinion, the the proposed act will not violate Article XXII or XXIII; nor conflict with the Act of April 17, 1933 (General and Local Acts **1933, page** 189), which is supplementary to Article XXIII (the McDaniel Amendment [General and Local Acts of 1933, page 196]); nor does it seem to be in conflict with the Act of February 8, 1935 (Acts 1935, page 118), in which provision is also made for authority to invest the surplus income tax fund in the bonds for which the fund is pledged as security.

Respectfully submitted,

LUCIEN D. GARDNER,
Chief Justice.
WILLIAM H. THOMAS,
VIRGIL BOULDIN,
JOEL B. BROWN,
ARTHUR B. FOSTER,
J. ED. LIVINGSTON,
THOMAS S. LAWSON,
Asosciate Justices.

OPINION RENDERED

The foregoing opinion of the Supreme Court rendered under the provisions of Senate resolution No. 46, relative to Senate bill No. 330, was read and ordered spread upon the Journal.

REPORT FROM RULES COMMITTEE

Mr. Carlton, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following House joint resolution, and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 54. Requesting Alabama delegation in Congress to use their best efforts in preventing unnecessary gas rationing in Alabama.

And the resolution was then adopted by the Senate.

CONSIDERATION OF SPECIAL ORDERS

The bill:

S. 179. To amend Section 480 of the Code of Alabama of 1940.

Was taken up.

The Standing Committe on Education offered the following amendment to the bill, to-wit:

Amend Senate Bill No. 179 by adding after the word "of" and before the word "the" in the caption, the following:

"Title 52 of"

Further amend Senate Bill No. 179 by adding after the word "of" and before the word "the" in line one of section one of said bill the following: "Title 52 of"

Which was adopted.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:	Espy	Lawson	Simpson	
Benson	Goodwin	Madison	Smith	
Bentley	High	Pinson	Taylor	
Bradford	Jones	St. John (Cullman)	Toomer	
Cater	Kelly	St. John (Lawrence)	Walton	
Cobb	Kilborn	Shaver		—22

Nays: —0

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:	Goodwin	Kilborn	Shaver	
Benson	Henderson	Lawson	Simpson	
Bentley	High	Madison	Smith	
Bradford	Hornsby	Pinson	Taylor	
Cater	Jones	St. John (Cullman)	Toomer	
Cobb	Kelly	St. John (Lawrence)	Walton	
Espy				—24

Nays: —0

The bill:

H. 252. To fix the salary of the Deputy Solicitor for Lee County, Alabama, and provide for the manner of payment of the same.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	High	Pinson
Benson	Cobb	Hill	Simpson
Bentley	Espy	Hornsby	Smith
Black	Garrett	Jones	Taylor
Bradford	Goodwin	Kelly	Toomer
Carlton	Henderson	Kilborn	Walton

—23

Nays: —0

The bill:

H. 335. To apply only in the circuit court in counties having a population of 300,000 or more according to the last or any subsequent Federal census; to provide that in such courts the parties to any action, except prosecutions for capital felonies, may at any stage of a trial then pending and whether the jury has retired or not, unanimously consent with legal effectiveness to the discharge from further duty of any member of the jury trying the case, and to a continuation of the trial and the rendition of a verdict by the remaining jurors; and to further provide that in such courts and in such actions the parties may, prior to the commencement of a trial, unanimously stipulate in open court with legal effectiveness that in the event it becomes necessary during the pendency of the trial, whether the jury has retired or not, for the court to discharge from further duty any member of the jury trying the case because of the juror's sickness or other good cause, the trial shall continue with and a verdict be rendered by the remaining jurors.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	High	Pinson
Benson	Cobb	Hill	Simpson
Bentley	Espy	Hornsby	Smith
Black	Garrett	Jones	Taylor
Bradford	Goodwin	Kelly	Toomer
Carlton	Henderson	Kilborn	Walton

—23

Nays: —0

The bill:

H. 337. To provide that in the event a judge of the circuit court of Jefferson County, Alabama (Tenth Judicial Circuit) so

requires, a bailiff or bailiffs heretofore or hereafter appointed by him may be required to perform clerical, stenographic and secretarial work in addition to other work.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	High	Pinson
Benson	Cobb	Hill	Simpson
Bentley	Espy	Hornsby	Smith
Black	Garrett	Jones	Taylor
Bradford	Goodwin	Kelly	Toomer
Carlton	Henderson	Kilborn	Walton

—23

Nays: —0

The bill:

H. 441. To provide for the disposition, in all counties of this State which, according to the last Federal census, or any subsequent Federal census, having a population of 300,000 or more of all fines, forfeitures and costs which hereafter may be paid by any person or persons convicted in any court of competent jurisdiction in such counties of violations of the rules and regulations promulgated by the State Highway Commission concerning the operation of motor vehicles upon the highways of this State, and of violations of the Alabama Highway Code, where the persons thus convicted have been arrested by the Sheriff, or his deputies, or by any other county or municipal law enforcement officer, qualified to make such arrests in such counties.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	High	Pinson
Benson	Cobb	Hill	Simpson
Bentley	Espy	Hornsby	Smith
Black	Garrett	Jones	Taylor
Bradford	Goodwin	Kelly	Toomer
Carlton	Henderson	Kilborn	Walton

—23

Nays: —0

The bill:

H. 450. To fix the compensation or salary of the Tresurer of Jefferson County, Alabama, and to regulate the payment thereof.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	High	Pinson
Benson	Cobb	Hill	Simpson
Bentley	Espy	Hornsby	Smith
Black	Garrett	Jones	Taylor
Bradford	Goodwin	Kelly	Toomer
Carlton	Henderson	Kilborn	Walton

—23

Nays: —0

The bill:

H. 552. To further define and extend the powers, authority and duties of the Circuit Solicitor of the Tenth Judicial Circuit; to require the Circuit Solicitor of the Tenth Judicial Circuit to supervise the prosecution of all misdemeanors to be tried, and all felonies to be heard on preliminary trial in the Jefferson County Court of Misdemeanors; and to authorize the Circuit Solicitor to appoint a Deputy Circuit Solicitor who shall prosecute in the Jefferson County Court of Misdemeanors; and to fix his salary and provide for payment thereof; and to repeal all laws or parts of laws, local or general, in conflict with this Act.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	High	Pinson
Benson	Cobb	Hill	Simpson
Bentley	Espy	Hornsby	Smith
Black	Garrett	Jones	Taylor
Bradford	Goodwin	Kelly	Toomer
Carlton	Henderson	Kilborn	Walton

—23

Nays: —0

The bill:

S. 331. To amend Section 15 of an Act entitled "An Act to create, establish and regulate an Inferior Court or Court of Common Pleas for the County of Montgomery; to provide and define the jurisdiction of said Court, and the terms thereof; to provide for the judges and officers of such Court, and their powers duties and compensation; to fix the term of office for such judge, and to fix the fees and costs for such Court; to provide rules of procedure for said Court, and for the operation thereof; and for the transfer of cases to the Court hereby created; and to provide for registering, and in lien of its judgments; and to abolish justices

of the peace in all precincts lying within or partly within the City of Montgomery." Ap. Mch. 15, 1939.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	High	Pinson
Benson	Cobb	Hill	Simpson
Bentley	Espy	Hornsby	Smith
Black	Garrett	Jones	Taylor
Bradford	Goodwin	Kelly	Toomer
Carlton	Henderson	Kilborn	Walton

—23

Nays: —0

The bill:

S. 332. To fix the salary of the Clerk of the Court of Common Pleas of Montgomery.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	High	Pinson
Benson	Cobb	Hill	Simpson
Bentley	Espy	Hornsby	Smith
Black	Garrett	Jones	Taylor
Bradford	Goodwin	Kelly	Toomer
Carlton	Henderson	Kilborn	Walton

—23

Nays: —0

The bill:

H. 585. To alter and enlarge the corporate limits of the City of Sylacauge, Talladega County, Alabama, and to define the boundaries thereof.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Bradford	Espy	High
Benson	Carlton	Garrett	Hill
Bentley	Cater	Goodwin	Hornsby
Black	Cobb	Henderson	Jones

Kelly	Pinson	Smith	Toomer
Kilborn	Simpson	Taylor	Walton

—23

Nays: —0

The bill:

H. 589. To fix the compensation, salary and allowances to be paid to the Sheriff of Montgomery County, and to regulate the office of said Sheriff, and to impose additional duties upon said Sheriff and to provide for Deputies and other assistants to said Sheriff, and the selection and appointment thereof, and the manner of fixing their compensation and to provide for paying the same, to provide for the Board of Revenue to authorize additional Deputies in an emergency and upon the request of the Sheriff and to fix their compensation, and to provide for the payment of premiums on the bonds of the Sheriff and Deputies, and to authorize and empower and require the Board of Revenue of Montgomery County, or other court of like jurisdiction, to provide and furnish the said Sheriff with necessary quarters, books, stationery and other necessities and conveniences to the said Sheriff of Montgomery County, and to provide for the payment of same.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Messrs.:	Cater	High	Pinson
Benson	Cobb	Hill	Simpson
Bentley	Espy	Hornsby	Smith
Black	Garrett	Jones	Taylor
Bradford	Goodwin	Kelly	Toomer
Carlton	Henderson	Kilborn	Walton

—23

Nays: —0

The bill:

H. 590. For the relief of Mrs. Elsie M. Brinson by the payment of her compensation for expense incurred for a gun shot wound suffered by her deceased husband, Marvin Brinson, while he was in the line of and performing his duty as Deputy Sheriff for the County of Montgomery, State of Alabama.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Black	Cater	Garrett
Benson	Bradford	Cobb	Goodwin
Bentley	Carlton	Espy	Henderson

High	Jones	Pinson	Taylor
Hill	Kelly	Simpson	Toomer
Hornsby	Kilborn	Smith	Walton

—23

Nays: —0

The bill:

H. 436. To regulate the Fine and Forfeiture Fund of Choctaw County ,Alabama.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	High	Pinson
Benson	Cobb	Hill	Simpson
Bentley	Espy	Hornsby	Smith
Black	Garrett	Jones	Taylor
Bradford	Goodwin	Kelly	Toomer
Carlton	Henderson	Kilborn	Walton

—23

Nays: —0

The bill:

H. 483. To require the County Board of Education of Washington County to pay out of the school funds of said County all expenses of the office of the County Superintendent of Education and all expenses of taking the school census; and to relieve the court of county commissioners of said county from payment of such expenses.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	High	Pinson
Benson	Cobb	Hill	Simpson
Bentley	Espy	Hornsby	Smith
Black	Garrett	Jones	Taylor
Bradford	Goodwin	Kelly	Toomer
Carlton	Henderson	Kilborn	Walton

—23

Nays: —0

The bill:

H. 484. To provide for the election of commissioners of the Court of County Commissioners in and for Washington County.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	High	Pinson
Benson	Cobb	Hill	Simpson
Bentley	Espy	Hornsby	Smith
Black	Garrett	Jones	Taylor
Bradford	Goodwin	Kelly	Toomer
Carlton	Henderson	Kilborn	Walton

—23

Nays: —0

The bill:

S. 343. To further provide for the fiscal management of Wilcox County; to provide for the refunding and amortization of the outstanding obligations of Wilcox County and the refunding and amortization of obligations of Wilcox County that may hereafter be issued.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	High	Pinson
Benson	Cobb	Hill	Simpson
Bentley	Espy	Hornsby	Smith
Black	Garrett	Jones	Taylor
Bradford	Goodwin	Kelly	Toomer
Carlton	Henderson	Kilborn	Walton

—23

Nays: —0

The bill:

S. 342. To abolish the two and one-half (2½) mill special road and bridge tax now levied in Wilcox County, upon retirement of outstanding bonds.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Bradford	Espy	High
Benson	Carlton	Garrett	Hill
Bentley	Cater	Goodwin	Hornsby
Black	Cobb	Henderson	Jones

Kelly	Pinson	Smith	Toomer
Kilborn	Simpson	Taylor	Walton

—23

Nays: —0

The bill:

S. 340. For the relief of Mrs. Avery Johnson, as compensation for the death of her husband, Avery Johnson, deceased, of Perry County, Alabama, while he was in the line of and performing his duty as a road employee for the County of Perry, State of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	High	Pinson
Benson	Cobb	Hill	Simpson
Bentley	Espy	Hornsby	Smith
Black	Garrett	Jones	Taylor
Bradford	Goodwin	Kelly	Toomer
Carlton	Henderson	Kilborn	Walton

—23

Nays: —0

The bill:

S. 338. To amend Section 17, as amended August 2, 1927, of House Bill No. 1683, of the Acts of the Legislature of Alabama approved September 25, 1915, entitled "An Act to establish a Board of Revenue for Tuscaloosa County, Alabama, to prescribe its powers and duties, to fix the compensation of its members, to provide for the election of its members and fix their terms of office, to provide for a clerk and engineer, and to abolish the Court of County Commissioners, the Board of Public Works and the Jury Commission of said County."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	High	Pinson
Benson	Cobb	Hill	Simpson
Bentley	Espy	Hornsby	Smith
Black	Garrett	Madison	Taylor
Bradford	Goodwin	McCary	Toomer
Carlton	Henderson	Newton	Walton

—23

Nays: —0

The bill:

S. 337. To amend Section three (3) as amended March 31, 1936, and March 6, 1939, of House Bill No. 525, of the Acts of the Legislature of Alabama, approved June 12, 1935, entitled "An Act to fix the compensation or salary to be paid the Judge of Probate of Tuscaloosa County, Alabama, and to regulate the payment of the same; to provide for the compensation of clerks, deputies, clerical assistants and other expenses in the Probate Office of Tuscaloosa County, Alabama, and to require said Judge of Probate to collect all the fees, compensation, and allowances heretofore or hereafter collected by said Judge of Probate and to pay same into the County Treasury of Tuscaloosa County; to provide for the payment of the salary or compensation of said Judge of Probate and the clerks, deputies and other clerical assistants, and other office expenses, out of the funds of Tuscaloosa County, and to provide rules and regulations for the management and operation of such office made necessary by changing the method and basis of compensation of such Judge of Probate, and to prescribe when this Act shall go into effect."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	High	Pinson
Benson	Cobb	Hill	Simpson
Bentley	Espy	Hornsby	Smith
Black	Garrett	Madison	Taylor
Bradford	Goodwin	McCary	Toomer
Carlton	Henderson	Newton	Walton

—23

Nays: —0

The bill:

S. 336. To amend Section 3, as amended August 11, 1939, of House Bill No. 526, of the Acts of the Legislature of Alabama of 1935, approved June 12, 1935, entitled "An Act to fix the compensation or salary to be paid the Tax Collector of Tuscaloosa County, Alabama, and to regulate the payment of the same; to provide for compensation of clerks, deputies, clerical assistants and other expenses in said office of the Tax Collector of Tuscaloosa County, Alabama, and to require said Tax Collector to collect all the fees, compensation and allowances heretofore or hereafter authorized to be collected by him, and to pay same into the County Treasury of Tuscaloosa County; to provide for the pay-

ment of the salary or compensation of said Tax Collector of Tuscaloosa County, and the clerks, deputies and other clerical assistants, and other office expenses out of the funds of Tuscaloosa County, and to provide rules and regulations for the management and operation of such office made necessary by changing the method and basis of compensation of such Tax Collector, and to prescribe when this Act shall go into effect."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	High	Pinson
Benson	Cobb	Hill	Simpson
Bentley	Espy	Hornsby	Smith
Black	Garrett	Madison	Taylor
Bradford	Goodwin	McCary	Toomer
Carlton	Henderson	Newton	Walton

—23

Nays: —0

The bill:

S. 334. So amend Section 3, as amended March 6, 1939, of House Bill 190 of the Acts of the Legislature of Alabama of Extra Session of 1936, approved March 31, 1936, entitled "An Act to fix the compensation or salary to be paid the Clerk of the Circuit Court of Tuscaloosa County, Alabama, and to regulate the payment of the same; to provide for compensation of clerks, deputies, clerical assistants and other expenses in said office of the Clerk of the Circuit Court of Tuscaloosa County, Alabama, and to require said Clerk of the Circuit Court to collect all the fees, compensation and allowances heretofore or hereafter authorized to be collected by him, and to pay same into the county treasury of Tuscaloosa County, provided, however, that all witness fees, judgments and amounts collected by him, in civil and criminal cases, from whatsoever source, except fees, allowances, legal charges, costs and compensation payable to him as such Clerk, shall be retained in the hands of said Clerk to be paid out and disbursed by him to proper persons or parties in the manner now or hereafter required by law; to provide for the payment of the salary or compensation of said Clerk of the Circuit Court of Tuscaloosa County, and the Clerks, Deputies and other clerical assistants and other office expenses out of the funds of Tuscaloosa County, and to provide rules and regulations for the conducting and operation of such office made necessary by changing the

method and basis of compensation of such Clerk of the Circuit Court of Tuscaloosa County, and to prescribe when this Act shall go into effect."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	High	Pinson
Benson	Cobb	Hill	Simpson
Bentley	Espy	Hornsby	Smith
Black	Garrett	Madison	Taylor
Bradford	Goodwin	McCary	Toomer
Carlton	Henderson	Newton	Walton

—23

Nays: —0

The bill:

S. 335. To amend Section 3, as amended August 11, 1939, of House Bill No. 524, of the Acts of the Legislature of Alabama of 1935, approved June 12, 1935, entitled "An Act to fix the compensation or salary to be paid the Tax Assessor of Tuscaloosa County, Alabama, and to regulate the payment of the same; to provide for compensation of clerks, deputies, clerical assistants and other expenses in said offfice of the Tax Assessor of Tuscaloosa County, Alabama, and to require said Tax Assessor to collect all the fees, compensations and allowances heretofore or hereafter authorized to be collected by him, and to pay same into the County Treasury of Tuscaloosa County; to provide for the payment of the salary or compensation of said Tax Assessor of Tuscaloosa County, and the clerks, deputies and other clerical assistants and other office expenses out of the funds of Tuscaloosa County, and to provide rules and regulations for the management and operation of such office made necessary by changing the method and basis of compensation of said Tax Assessor, and to prescribe when this Act shall go into effect."

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Bradford	Espy	High
Benson	Carlton	Garrett	Hill
Bentley	Cater	Goodwin	Hornsby
Black	Cobb	Henderson	Madison

McCary	Pinson	Smith	Toomer
Newton	Simpson	Taylor	Walton

—23

Nays: —0

The bill:

S. 333. To authorize the City Board of Education of Athens, Alabama, to construct and repair school buildings and purchase equipment and supplies for school buildings under the administrative control and jurisdiction of the City Board of Education of Athens, Alabama, with the funds arising from the sale of the real estate located near the City of Athens, Alabama, known as the State Secondary Agricultural School Demonstration Farm and the personal property located thereon and connected therewith, which said sale was authorized by and made under an Act of the Legislature of Alabama approved Sept. 21, 1939.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	High	Pinson
Benson	Cobb	Hill	Simpson
Bentley	Espy	Hornsby	Smith
Black	Garrett	Jones	Taylor
Bradford	Goodwin	Kelly	Toomer
Carlton	Henderson	Kilborn	Walton

—23

Nays: —0

The bill:

S. 321. "An Act to provide for the closing of the Court House Offices of Judge of Probate, Tax Assessor, Clerk of Circuit Court, Sheriff, Tax Collector, Register of Circuit Court, and Board of Revenue, or other like governing body of Cullman County, Ala."

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	High	Pinson
Benson	Cobb	Hill	St. John (Cullman)
Bentley	Espy	Hornsby	Smith
Black	Garrett	Jones	Taylor
Bradford	Goodwin	Kelly	Toomer
Carlton	Henderson	Kilborn	Walton

—23

Nays: —0

The bill:

S. 319. To designate the time in each year when the Board of Registrars shall sit for the purpose of registering voters in all Counties having a population of not less than 100,000, nor more than 140,000 population according to the last or any succeeding Federal census; to provide that said sessions shall be in lieu of all other sessions now authorized by law and to repeal all laws or parts of laws in conflict herewith.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:	Garrett	Kilborn	St. John (Lawrence)	
Benson	Goodwin	Lawson	Shaver	
Bentley	High	Madison	Simpson	
Black	Hill	McCary	Smith	
Carlton	Jones	Newton	Toomer	
Cater	Kelly	St. John (Cullman)		—22
Nays:				—0

The bill:

S. 348. To create a Purchasing Agency for Cherokee County, Alabama, to be composed of the President of the Board of Revenue of said county whose duties shall be to purchase all books, stationery, blanks, office equipment and office supplies for the several county offices, the jail, court house, and Alms house, hospitals and sanitariums, also the material and machinery of all and every kind for the building and maintaining of the roads, bridges, ferries and buildings of said county and to define the powers and duties and term of office of said Purchasing Agency. To employ clerical assistance necessary to keep records of said Purchasing Agency and Board of Revenue.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	High	Pinson	
Benson	Cobb	Hill	Simpson	
Bentley	Espy	Hornsby	Smith	
Black	Garrett	Jones	Taylor	
Bradford	Goodwin	Kelly	Toomer	
Carlton	Henderson	Kilborn	Walton	
				—23
Nays:				—0

The bill:

S. 350. To amend an Act entitled an Act "To create and establish a Board of Revenue in and for Cherokee County, Alabama to be composed of four members; to provide and designate a Chairman of such Board, to fix the qualifications of the members of said Board, to provide where the members of said Board shall reside during their term of office: to divide said county into four districts and define the boundaries of said Districts, to designate, declare and appoint a member from each of said Districts and to define the term of office of each of said members of the Board of Revenue so designated, declared and appointed: to provide for the appointment of the Chairman of said Board and to fix the term of his office under said appointment; provide for the filling of vacancies in said Board, to provide for the designation of the Chairman of said Board, designated, declared and appointed by this Act, at the expiration of their respective terms of office, to define the duties, powers and authority of the Chairman and members of said Board, to fix the place and time of their meeting and to provide for the compensation of the members thereof. To provide for their official bonds, and for the payment by the County of the premium thereon. To provide when this Act shall take effect: to provide that any section or provisions of this Act being held invalid shall not affect the validity of any other section or provision; and the repeal of all laws or parts of laws in conflict with the provisions of this Act, in so far as they apply to Cherokee County, Alabama. This Act becomes a law under Section 125 of the Constitution on August 22, 1939. By amending Sections 8, 11, and 12 of said Act.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	High	Pinson
Benson	Cobb	Hill	Simpson
Bentley	Espy	Hornsby	Smith
Black	Garrett	Jones	Taylor
Bradford	Goodwin	Kelly	Toomer
Carlton	Henderson	Kilborn	Walton

—23

Nays: —0

The bill:

S. 351. To amend an Act to be enttiled an Act "To further provide for the control, making, maintenance, building and im-

provement of the public roads and bridges of Cherokee County, Alabama, to create the office of Road Supervisor for said county, to provide for his election or appointment, discharge and removal; to fix his qualifications and prescribe his duties, powers and authority. To provide for a Purchasing Agent for purchasing material, equipment and supplies for the public roads and bridges in Cherokee County, Alabama. To prescribe the methods for making such purchases, the manner of allowance and payment of claims against the county, approved by such purchasing agent; to fix his compensation and manner of payment, to make appropriations or allowances for his expenses and manner of payment, to fix his Bond and to provide for the approval of same and for the payment of the premium thereon by the county. To provide when this Act shall take effect; to provide that any section or provision of this Act being held invalid shall not effect the validity of any other section or provision; and the repeal of all laws or parts of laws in conflict with the provisions of this, insofar as they apply to Cherokee County, Alabama, Approved August 24, 1939", by amending sections "3" "6" "7" and "10" of said Act and by repealing section "1" of said Act.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas, 23; Nays 0.

Yeas:

Messrs.:	Cater	High	Pinson
Benson	Cobb	Hill	Simpson
Bentley	Espy	Hornsby	Smith
Black	Garrett	Jones	Taylor
Bradford	Goodwin	Kelly	Toomer
Carlton	Henderson	Kilborn	Walton

—23

Nays: —0

The bill:

S. 349. To create the office of President of the Board of Revenue in and for Cherokee County, Alabama, to provide for his appointment and or election: to provide for filling any vacancy in such office: to prescribe his qualifications, duties and powers, the manner and amount of his compensations, his oath of office, his official bond and provide or the payment of the premium theeron by the County.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	High	Pinson
Benson	Cobb	Hill	Simpson
Bentley	Espy	Hornsby	Smith
Black	Garrett	Jones	Taylor
Bradford	Goodwin	Kelly	Toomer
Carlton	Henderson	Kilborn	Walton

—23

Nays: —0

The bill:

S. 188. To amend Sections 185, 187, 191, 204, 209, 213, 214, 216, 224, 225, 227, 233 and 248 of Title 26, Code of Alabama, 1940, and to repeal Subsection D of Section 185 and all of Section 226 of Title 26, Code of Alabama, 1940, and to repeal all laws or parts of laws in conflict herewith.

Was taken up.

The Standing Committee on Judiciary offered the following substitute for the bill, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 185, 187, 191, 204, 209, 212, 213, 214, 216, 224, 225, 227, 233 and 248 of Title 26, Code of Alabama, 1940, and to repeal all of Section 226 of Title 26, Code of Alabama, 1940, and to repeal all laws and parts of laws in conflict herewith.

Be it enacted by the Legislature of Alabama:

Section 1. That Section 185, Title 26 of the 1940 Code of Alabama be amended so as to read as follows:

"Section 185.—"Employer," as used in this chapter, means:

"A. Any employing unit which on each of some twenty days during the current or preceding calendar year, each day being in a different calendar week, employed in employment for some portion of the day (whether or not at the same moment of time) eight or more employees, provided, that such employment in a calendar year shall make a newly subject employer subject for all purposes as of January 1 of the calendar year in which such employment occurs.

"B. Any employing unit which, having become an employer under this chapter, has not under sections 224, 225 of this title, ceased to be an employer subject to this chapter; or

"C. For the effective period of its election pursuant to section 225 hereof any other employing unit which has elected to become fully subject to this chapter.

"D. Any employing unit (whether or not an employing unit at the time of the acquisition) which acquires the organization, trade or business, or substantially all the assets thereof, of another which at the time of such acquisition was an employer subject to this chapter; or which acquires a part of the organization, trade or business of another which at the time of such acquisition was an employer subject to this act, provided such part would have been an employer under paragraph A of this section if such part had constituted its entire organization, trade or business."

"E. Any employing unit which acquires the organization, trade or business, or substantially all the assets thereof, of another employing unit (not an employer subject to this chapter) and which, if the employment record of such employing unit subsequent to such acquisition, together with the employment record of the acquired unit prior to such acquisition, both within the same calendar year, would be sufficient to constitute an employing unit an employer subject to this chapter."

Section 2. That Section 187, Title 26 of the 1940 Code of Alabama be amended so as to read as follows:

"Section 187. Employment Office.—"Employment office," as used in this chapter means a free public employment office or a branch thereof operated by this or any other state as a part of a state controlled system of public employment offices or by a federal agency charged with the administration of an unemployment compensation program or free public employment offices."

Section 3. Amend Section 191, Title 26 of the 1940 Code of Alabama so as to read as follows:

"Section 191. Wages.—'Wages,' as used in this chapter, means every form of remuneration paid (or receeived) for personal services, including the cash value of any remuneration paid in any medium other than cash, provided, however, that (except with respect to sections 206, 208 of this title) the term 'wages' shall not include;

"A. That part of the remuneration which, after the remuneration equal to three thousand dollars has been paid to an individual by an employer with respect to employment during any calendar year, is paid to such individual by such employer with respect to employment during such calendar year;

"B. The amount of any payment made to, or on behalf of, an employee under a plan or system established by an employer which makes provisions for his employees generally or for a class or classes of his employees (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment), on account of retirement, or sickness or accident disability, or medical and hospitalization expenses in connection with sickness or accident disability, or death, provided the employee has not the option to receive, instead of provision for such death benefit, or any part of such payment or, if such death benefit is insured, any part of the premiums (or contributions to premiums) paid by his employer, and has not the right, under the provisions of the plan or system or policy of insurance providing for such death benefit, to assign such benefit, or to receive a cash consideration in lieu of such benefit either upon his withdrawl from the plan or system providing for such benefit or upon termination of such plan or system or policy of insurance or of his employment with such employer;

"C. The payment by an employer (without deduction from the remuneration of the employee) of the tax imposed upon an employee under article 3 of this chapter; or of the tax imposed by section 1400 of the Internal Revenue Code as amended, or

"D. Dismissal payments which the employer is not required to make;

"E. Gratuities received by an individual from persons other than his employing unit."

Section 4. That Section 204, Title 26 of the 1940 Code of Alabama be amended so as to read as follows:

"Section 204. Experience rating; rates and contributions.

"(A) For the twelve month period beginning on the first day of April, 1941, and each twelve month period beginning on the first day of April thereafter, the contribution rates of each employer who has had experience with respect to unemployment under the Alabama unemployment cmopensation law during not less than the three consecutive calendar years immediately preceeding any such first day of April and of his employees shall be determined by the unemployment compensation fund's maximum liability for benefits to his employees who have received benefits, modified by the state experience as to average duration of benefit payments as provided herein.

"(B) The employee's benefit wages shall be determined as follows: (1) When in any benefit year an employee was first paid benefits after December 31, 1937, and before July 1, 1943, for

total or partial unemployment, hih wages for employment after December 1, 1936, during the then base period as defined for such benefit year by the Alabama Unemployment Compensation Law in effect with respect to such benefit year and with respect to which benefits were then paid, shall be the employee's benefit wages.

(2) When, in any benefit year during which an employee has not been paid any benefits prior to July 1, 1943, such employee is paid benefits after June 30, 1943, for the second compensable week of total or partial unemployment, his wages during his base period shall be the employee's benefit wages.

(3) As to any employee who is a 'maritime worker' wages of such employee during a base period shall be multiplied by a fraction, the numerator of which is his average quarterly earnings in his base period and the denominator of which is his highest of any quarter in his base period.

(4) When in the determination of an employee's benefit wages, wages have been included once in an employee's benefit wages for one benefit year or in an employee's wages for one base period such wages shall not thereafter be included again in his benefit wages for any other benefit year or in his wages for any other base period respectively.

"(C) The employer's benefit wages for a given calendar year shall be the total of the benefit wages received from him by all of his employees or former employees who receive their first benefit payment of a given benefit year in such calendar year. The director shall analyze the benefit payments made in and the employee and the employer benefit wages for the calendar years 1938, 1939 and 1940, and for each calendar year thereafter and determine each employer's benefit wages for all such calendar years respectively.

"(D) The benefit wage percentage of each employer for a given calendar year shall be a percentage determined by dividing the total of his benefit wages for the three most recent preceding calendar years by that part of his total taxable pay roll for the same three years, with respect to which contributions have been paid on or before February fifteen of the calendar year for which the benefit wage percentage is being determined.

"(E) From the total amount of benefits paid from the unemployment compensation fund during each calendar year there shall be subtracted all amounts credited to the fund during each such calendar year other than employer's and employee's contributions, and the remainder shall be termed the 'amount requnred for the fund' for each such calendar year. The 'state ex-

perience factor' for each calendar year shall be a percentage determined by dividing the total of the amounts required for the fund for the three most recent calendar years by the state-wide total of benefit wages of all employers for three most recent calendar years and by adjusting to the next higher multiple of one per cent (1%). The state experience factor shall be determined annually prior to the fifteenth day of March of the calendar year for which the determination is made.

"(F) The contribution rates for each employer and his employees effective for each twelve month period beginning with the first day of April of each year as provided in subsection (A) of this section shall be determined by the director and the director shall notify each such employer of the state experience factor, his benefit wage percentage, his contribution rate and his employee's contribution rate not less than fifteen days before each such first day of April. Such contribution rates shall be determined from the following table and shall be the rates, as indicated for employers and employees respectively, appearing at the bottom of the lowest numbered column in which there appears, on the same horizontal line in which is found in the column headed 'state experience factor,' the state experience factor for the then calendar year, a percentage equal to or in excess of such employer's benefit wage percentage for the then calendar year. If no percentage equal to or in excess of such benefit wage percentage appears on said horizontal line the employer's contribution rate shall be two and seven-tenths per cent, and the contribution rate of the employees of the said employer shall be one per cent.

State Experience Factor	Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6
	Employer's Benefit Wage Percentage					Benefit Wage Percentage in excess of Column 5 of this table.
1%	60%	130%	200%	270%	340%	
2	30	65	100	135	170	
3	20	43	67	90	113	
4	15	32	50	67	85	
5	12	26	40	54	68	
6	10	22	33	45	57	
7	9	19	29	39	49	
8	7	16	25	34	42	
9	7	14	22	30	38	
10	6	13	20	27	34	
11	5	12	18	25	31	
12	5	11	17	23	28	
13	5	10	15	21	26	
14	4	9	14	19	24	
15	4	9	13	18	23	
16	4	8	12	17	21	
17	4	8	12	16	20	
18	3	7	11	15	19	
19	3	7	11	14	18	
20	3	6	10	13	17	
21	3	6	10	13	16	
22	3	6	9	12	15	
23	3	6	9	12	15	
24	2	5	8	11	14	
25	2	5	8	11	14	
26	2	5	8	10	13	
27	2	5	8	10	13	
28	2	5	7	10	12	
29	2	4	7	9	12	
30 or more	2	4	7	9	11	
Employer's Contribution Rate	0.5%	1.0%	1.5%	2.0%	2.5%	2.7%
Employee's Contribution Rate	0.1%	0.3%	0.5%	0.7%	0.9%	1.0%

"(G) Contribution rates for each employer and his employees determined pursuant to subsection (F) of this section, shall nevertheless be subject to increase as hereinafter provided.

"(1) The 'benefits-pay roll ratio' of the state for each calendar year shall be determined by dividing the total of benefits paid from the unemployment compensation fund within such year by the state-wide total of taxable pay rolls (with respect to which contributions have been paid on or before February fifteenth of such year) of all employers for the calendar year immediately preceding the calendar year within which such benefits have been paid, and by adjusting the quotient to the nearest multiple of one-thousandth.

"(2) The 'minimum normal amount' of the unemployment compensation fund for each calendar year shall be one and one-half times the total amount determined by multiplying the highest state-wide total of taxable pay rolls (with respect to which contributions have been paid on or before February fifteenth of such year) of all employers for any of the three most recent preceding calendar years by the highest benefits-pay roll ration for any of the ten most recent preceding calendar years.

"(3) Whenever at the end of any calendar year the benefits paid from the unemployment compensation fund within the three year period including and ended with said calendar year and the contributions paid within such three year period have been in such amounts that the fund becomes greater than the minimum normal amount for the calendar year immediately succeeding such three year period, the director shall on or before March fifteenth of said immediately succeeding calendar year so declare, and effective for the twelve month period beginning with the first day of April of said immediately succeeding calendar year the contribution rates of each employer and his employees shall be determined by the director from the table in subsection (F) of this section on the basis of each employer's benefit wage percentage for the said immediately succeeding calendar year and the state experience factor as determined for the said immediately succeeding calendar year as provided in subsection (E) of this section.

"(4) If at the end of any calendar year after December 21, 1940, the benefits paid from the unemployment compensation fund within the three year period including and ended with said calendar year and the contributions paid within such three year period have been in such amounts that the fund becomes less than the minimum normal amount for the calendar year immedately succeeding such three year period, the director shall on or before March fifteenth of said immediately succeeding calendar year so declare. To be

effective for the twelve month period beginning with the first day of April of said immediately succeeding calendar year, the contribution rates for each employer and his employees shall be determined by the director from the table in subsection (F) of this section on the basis of each employer's wage percentage for the said immediately succeeding calendar year and an increased state experience factor to be computed by multiplying the state experience factor for the said immediately succeeding calendar year by two.

"(5) The director shall notify each employer of each declaration and change in state experience factor and of his benefit wage percentage, his contribution rate, and his employee's contribution rate not less than fifteen days before each such first day of April.

"(6) (a) 'Excess wages' shall mean that portion of an employer's total taxable payroll in any twelve month period beginning with the first day of April of any year, which is in excess of the greater of either (1), the average of the total taxable payrolls of such employer for the last four consecutive calendar years immediately preceding the beginning of any such twelve month period; or (2), two hundred percent (200%) of the average of the total taxable payrolls of such employer for the first two of the last four consecutive calendar years immediately preceding the beginning of any such twelve month period; provided, however, that no portion of the first hundred thousand dollars of any employer's total taxable payroll in any such twelve months period shall be determined to be excess wages within the meaning of this section.

"(b) Notwithstanding the provisions of the foregoing subsections of this section, and effective for each twelve month period beginning with the first day of April, 1943, and of each year thereafter to and including the twelve month period ending March 31, 1946, the contribution rate for each employer as to excess wages with respect to employment paid after June 30, 1943, and before April 1, 1946, shall be two and seventy one-hundredths per cent of such excess wages paid.

"(c) For each twelve month period beginning with the first day of April of the year 1943 and of each year thereafter, each employer shall keep and maintain an accumulative record of the total of wages with respect to employment paid by him during such period and when for any payroll period in any such twelve month period an employer at any time after June 30, 1943, and before April 1, 1946, first pays excess wages, such employer shall within fifteen days after the ending date of the first such completed payroll period for which excess wages are so paid notify the director by registered mail of the ending date of such first com-

pleted payroll period with respect to which he so paid excess wages.

"(d) Not less than fifteen days before July 1, 1943, and not less than fifteen days before the first day of April of each year thereafter to and including the first day of April, 1945, the director shall notify each employer, for whom the contribution rate effective on the first day of April of such year is less than two and seventy one-hundredths per cent, the amount of wages which as to such employer will be taxable at such reduced rate (wages in excess of which will be excess wages).

"(H) Any employer may apply to the director for and shall be entitled to a review as to the determination of his benefit wage percentage, his contribution rate as fixed by his benefit wage percentage, and the amount of wages which, as to such employer, will be taxable at such reduced rate (wages in excess of which will be excess wages), provided such application is filed within sixty days of the date of the mailing by the director to the employer of the notice of such determination. Pending such review such employer shall withhold and transmit employee contributions and make all contribution payments otherwise required by this chapter, at contribution rates fixed by the determination sought to be reviewed; and resulting overpayments or underpayments of contributions by the employer, shall, upon any redetermination, be adjusted or refunded pursuant to Section 243 of this title. Any employer may within thirty days after the date of the mailing by the director to such employer of notice of the ruling of the director upon such application for review appeal such ruling to the circuit court of any county wherein the employer is engaged in doing business, upon such terms and upon giving such security for costs as the court may upon application prescribe; trial in that court shall be de novo with respect to his benefit wage percentage. Any redetermination of benefit wage percentage, whether by the director or the court on appeal, shall not be effective as to an employee contribution rate before the calendar quarter first beginning after such redetermination.

"(I) For the purpose of this section, an employer's benefit wages and that part of his total taxable pay roll with respect to which contributions have been paid shall be deemed benefit wages of a successor employer and that part of the pay roll of such successor employer with respect to which contributions have been paid, and shall be taken into account in determining the contribution rate of such successor employer and his employees, as provided in subsection (F) of this section, if such successor succeeds the employer by reason of (a) a statutory merger or consolidation, or

(b) a transfer by a corporation of all or a part of its assets to another corporation if immediately after the transfer the transferor or its share-holders or both are in control of the corporation to which the assets are transferred, or (c) a recapitalization, or (d) an incorporation, dissolution or other mere change in identity, form or place of organization, however effected.

"(J) In the event that the Social Security Board of the United States or its successor, fails to certify, for any year, the law of Alabama to the Secretary of the Treasury of the United States, as provided in Section 1602 (b) of the Internal Revenue Code of the United States, as amended, or as the same may be amended, the contribution rate of each employer and of his employees for such year shall be as provided in sections 201 and 202 of this title, provided that in such event an employer shall be deemed to have discharged his duty as to withholding and transmitting additional amounts so required of his employees for such year if he withholds and transmits to the fund such additional amounts from each of his employees who were in his employ during such year and to whom, within two months after the date of the ruling of the Social Security Board on such question of certification, he pays wages, such additional amounts not to exceed the wages so paid.

Section 5. That Section 209, Title 26 of the 1940 Code of Alabama be amended so as to read as follows:

'Section 209. Duration of benefits. Any otherwise eligible individual shall be entitled during any benefit year to a total amount of benefits equal to whichever is the lesser of twenty times his weekly benefit amount, and one-third of the wages earned by him for insured work during his base period; provided that such total amount of benefits, if not a multiple of one dollar, shall be computed to the nearest multiple of one dollar. For the purposes of this article, wages shall be counted as "wages for insured work" for benefit purposes with respect to any benefit year only if such wages were earned in the base period immediately preceding such benefit year. In determining an individual's benefit rights, remuneration payable but unpaid to such individual shall to the extent that regulations promulgated by the director prescribe, be deemed to be 'wages paid' to such individual."

Section 6. That Section 212, Title 26 of the 1940 Code of Alabama, be amended so as to read as follows:

"Section 212. Benefits after Termination of Military Service. —A. The term 'military service' as used in this section means active service during the present war and twelve months after the conclusion of the present war, in the army, navy, marine corps, or

coast guard of the United States, or of the air corps thereof, or of any component or auxiliary unit thereof, the members of which are subject to and under military law. For the purpose of this subsection the date of conclusion of the present war shall be determined by proclamation of the Governor of Alabama.

"B. Notwithstanding any other provisions of this chapter, (1) the base period for any individual who was inducted into the military service of the United States in active status after July 1, 1940, and who had not established his benefit year prior to such induction shall be calculated by excluding all calendar quarters during any part of which the individual was in active status in such military service; (2) the benefit year of any individual who was inducted into the military service of the United States in active status after July 1, 1940, which benefit year shall have been established prior to such individual's induction into such military service, shall be calculated by excluding all calendar weeks during any part of which the individual was in active status in such military service.

"C. Wages paid to any individual prior to such military service and which have not, prior to such military service, been determined to be benefit wages, shall not after such military service be determined to be employer's or employee's benefit wages for the purpose of the experience rating provisions of Section 204 of this title.

"D. No disqualification for benefits shall be applied to any individual because he voluntarily left his work to enter military service.

"E. If under an act of Congress cash allowances or payments are provided by the United States for persons who have completed a period of military service, payable to them with respect to any period of time subsequent to such military service, the benefits to which such person might otherwise be entitled during any benefit year as determined under this chapter, shall be reduced by the amount of such cash allowances or payments paid within such benefit year."

Section 7. That Section 213, Title of the 1940 Code of Alabama be amended so as to read as follows:

"Section 213. Benefit Eligibility Conditions. An unemployed individual shall be eligible to receive benefits with respect to any week only if the director finds that—

"A. He has made a claim for benefits with respect to such week in accordance with such regulations as the director may prescribe.

"B. He has registered for work at, and thereafter continued to report at, an employment office in accordance with such regulations as the director may prescribe, except that the director may, by regulation waive, or alter either or both of the requirements of this section as to individuals attached to regular jobs and as to such other type of cases or situations with respect to which he finds that compliance with such requirements would be oppressive, or would be inconsistent with the purposes of this chapter.

"C. He is physically and mentally able to perform work of a character which he is qualified to perform by past experience or training, and he is available for such work either at a locality at which he earned wages for insured work during his base period or at a locality where it may reasonably be expected that such work may be available.

A woman shall be presumed not to be able to work and not available for work if she quits or is required to terminate her employment because of pregnancy, provided, in any event, that no woman shall be deemed to be able to work and available for work for any week during the three month period immediately before the expected birth of her child, and for any week during the three month period immediately following the birth of her child, in either of which cases the director may require the production of doctor's certificates to establish such dates.

"D. He has been totally unemployed for a waiting period of one week (and for the purposes of this section two weeks of partial unemployment, whether or not consecutive, shall be deemed to be equivalent to one week of total unemployment) which waiting period shall have occurred during the period of thirteen (13) consecutive weeks immediately preceding any week with respect to which the individual is otherwise eligible for benefits as provided in Articles 4 and 5 of this chapter, provided that this requirement shall not interrupt the payment of benefits for consecutive weeks of unemployment. No week shall be counted as a week of unemployment for the purposes of this subsection;—

(1) If benefits have been paid with respect thereto.

(2) Unless the individual was otherwise eligible for benefits with respect thereto as provided in Artciles 4 and 5 of this chapter.

"E. He has during his base period earned wages for insured work equal to not less than the amount appearing in column 'C' of the table in Section 207 of this title, on the same horizontal line on which in column 'B' of that table appears his weekly benefit amount.

"F. During the three weeks immediately preceding the week of unemployment the individual has worked less than one hundred

and sixty hours in employment and has earned total wages with respect to employment less than one hundred and twenty dollars."

Section 8. That Section 214, Title 26 of the 1940 Code of Alabama be amended so as to read as follows:

"Section 214. Disqualification for benefits. An individual shall be disqualified for benefits for total or partial unemployment:—

"A. For any week in which his total or partial unemployment is directly due to a labor dispute still in active progress in the establishment in which he is or was last employed; for the purposes of this section only, the term 'labor dispute' includes any controversy concerning terms, tenure or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee. This definition shall not relate to a dispute between an individual worker and his employer.

"B. If he has left his work voluntarily without good cause connected with such work.

"C. (1) If he has been discharged or removed from his work for a dishonest or criminal act committed in connection with his work or materially affecting his work or for an act endangering the safety of others or for actual or threatened deliberate misconduct.

(2) For the week in which he has been discharged for misconduct connected with his work (other than acts mentioned in Subsection (1) of this subsection) and for not less than the three nor more than the six next following weeks as determined by the director in each case according to the seriousness of the conduct.

(3) For the week or weeks (not to exceed four weeks) in which or for which he has been suspended as a disciplinary measure connected with his work, or for misconduct connected with his work.

"D. (1) When an individual is disqualified for benefits under Subsections B or C (1) of this section, he shall not thereafter be entitled to any benefits under this chapter on account of wages paid to him before such disqualification by the employer by whom he was employed at the time of the happening for which he is so disqualified, and, provided further, that for the purposes of the experience rating provisions of Section 204 of this title no portion of such wages shall be determined to be employee's or employer's benefit wages for any benefit year or base period.

(2) When an individual is diqualified for benefits under Subsections C (2), C (3) and E of this section the total amount of benefits to which he may otherwise be entitled as determined in accordance with Section 209 of this title shall be reduced by an amount equal to the product of the number of weeks for which he shall be disqualified under Subsections C (2), C (3) and E of this section multiplied by his weekly benefit amount.

"E. If he fails, without good cause, either to apply for or to accept available suitable work or to return to his customary self-employment when so directed by the director, or when he is notified of suitable work or it is offered him through a state employment office or the United States Employment Service, or directly or by written notice or offer to any such employment office or employment service by an employer by whom the individual was formerly employed. Such disqualification shall continue until the individual has accepted employment and has earned wages in such employment amounting to twenty times the individual's weekly benefit amuont (or the equivalent thereof, as determined by the director if the individual has returned to his customary self-employment).

(1) In determining whether or not any work is suitable for an individual, the director shall consider the degree of risk involved to his health, safety, and morals, his physical fitness, and prior training, his experience and prior earnings, his length of unemployment and prospects for securing local work in his customary occupation, and the distance of the available work from his residence; provided that no work or employment shall be deemed unsuitable because of its distance from the individual's residence, if such work or employment is in the same or substantially the same locality as was his last previous regular place of employment and if the employee left such employment voluntarily without good cause connected with such employment.

(2) Notwithstanding any other provisions of this chapter, no work shall be deemed suitable and benefits shall not be denied under this chapter to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

(a) If the position offered is vacant due directly to a strike, lock out, or other labor dispute;

(b) If the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;

(c) If as a condition of being employed the individual would be required to join a company union, or to resign from or refrain from joining any bona fide labor organization.

"F. For any week with respect to which he is receiving or has received remuneration in the form of wages in lieu of notice, or a dismissal or separation allowance.

G. "For any week with respect to which or a part of which he has received or is seeking unemployment benefits under this chapter of any other state or of the United States; provided, that if the appropriate agency of such other state or of the United States finally determines that he is not entitled to such unemployment benefits this disqualification shall not apply.

"H. For any week with respect to which he has received or is receiving any payment by way of compensation for the loss of wages through an employee pension plan; provided, however, that if such remuneration is less than the benefits which would otherwise be due under this chapter, he shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such remuneration.

"I. If he has left his most recent work for the purpose of attending or if he is a student regularly attending an established educational institution during the school term or customary vacation periods within the school term.

"J. In any week with respect to which he has received or is receiving remuneration in the form of

(1) Compensation under the Workmen's Compensation Law of Alabama or of any other state or under a similar law of the United States;

(2) Payments in the form of a primary insurance benefit under Title II of the Social Security Act, as amended, or similar payments under any Act of Congress or the law of any state.

Provided that if such Workmen's Compensation or primary insurance payments are less than the benefits which would otherwise be due under this chapter, he shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such payments.

"K. For any week that such individual is engaged or employed by the Works Progress Administration, the National Youth Administration, or any Federal or State unit, agency or instrumentality in charge of public works, assistance through public employment, or work relief.

"L. For any week in which he is self-employed."

Section 9. That Section 216 of Title 26 of the 1940 Code of Alabama be amended so as to read as follows:

"Section 216. Determinations.—A. In general. A determination upon a claim filed pursuant to Section 215 shall be made promptly by an examiner designated by the director, and shall

include a statement as to whether and in what amount a claimant is entitled to benefits and, in the event of denial shall state the reasons therefor, or shall refer such claim or any question involved therein to an Appeals Tribunal, who shall make this decision with respect thereto, in accordance with the proceeding prescribed in Section 217 of this title, except that in any case in which the payment or denial of benefits will be determined by the provisions of Subsection 214 A of this chapter, the examiner shall promptly transmit his full findings of fact with respect to that subsection to the director, who, on the basis of the evidence submitted and such additional evidence as he may acquire shall affirm, modify or set aside such findings of fact and transmit to the examiner a decision upon the issue involved under that subsection, which shall be deemed to be the decision of the examiner. A determination with respect to the first week of a benefit year shall also include a statement as to whether the claimant has been paid the wages specified under Subsection 213 E of this chapter, and if so, the first day of the benefit year, his weekly benefit amount and the maximum total amount of benefits payable to him with respect to a benefit year.

"B. Redeterminations. The director may reconsider a determination whenever he finds that an error in wages, computation or identify has occurred in connection therewith, or that the amount of benefits was fixed on the basis of misrepresentations of fact, but no such redetermination shall be made after the expiration of the benefit year within which the claim was filed. Notice of any such redetermination shall be promptly given to the parties entitled to notice of the original determination in the manner prescribed in this section with respect to notice of an original determination. If the amount of benefits is increased upon such redetermination an appeal therefrom solely with respect to the matters involved in such increase may be filed in the manner and subject to the limitations provided in Section 217 of this chapter. If the amount of benefits is decreased upon such redetermination, the matters involved in such decrease shall be subject to review in connection with an appeal by claimant from any redetermination upon a subsequent claim for benefits which may be affected in amount or duration by such redetermination. Subject to the same limitations and for the same reasons, the director may reconsider a determination in any case in which the final decision has been rendered by an Appeals Tribunal, the Board of Appeals or a court, and may apply to the body or court which rendered such final decision for a rehearing thereon.

In the event that an appeal involving an original determination is pending as of the date a redetermination thereof is issued, such

appeal, unless withdrawn, shall be treated as an appeal from such redetermination.

"C. Notice of Determination. Notice of any determination or any decision upon a claim shall be promptly given to the claimant, the claimant's last employing unit, and every employer of claimant in claimant's base period by delivery thereof or by mailing such notices to their last known addresses.

"D. Finality of Determinations. Unless any party to whom notice is required to be given shall, within seven calendar days after delivery of such notice or within ten calendar days after such notice was mailed to his last known address, file an appeal from such decision, such decision shall be deemed final. If an apepal is duly filed, disputed benefits with respect to the period after the filing of such appeal and prior to the final decisions on the appeal shall be paid only after such final decision. In the event the final decision denies the payment of benefits, any benefits which may have been paid with respect to an appealed claim prior to the filing of the appeal shall not be deemed paid benefits for the purposes of the determination of employee's and employer's benefit wages under the experience rating provisions under Section 204 of this title."

Section 10. That Section 224 of Title 26 of the 1940 Code of Alabama be amended so as to read as follows:

"Section 224. Period and termination of employer's coverage. —Except as otherwise provided in Section 225 of this chapter, an employer shall cease to be an employer subject to this chapter only as of the first day of January of any calendar year if he has not on each of some twenty calendar days, each day being in a different calendar week in the last completed calendar year employed eight or more individuals in employment subject to this chapter. Any employing unit which is or becomes an employer subject to this chapter within any calendar year shall be an employer subject to this chapter during the whole of such calendar year."

Section 11. That Section 225 of Title 26 of the 1940 Code of Alabama be amended so as to read as follows:

"Section 225. Employer'e election.—Any employing unit not otherwise subject to this chapter, which files with the director his or its written election to become an employer subject hereto for not less than two calendar years, shall, with the written approval of such election by the director become an employer subject hereto to the same extent as other employers, as of the date stated in such application, except that if during the calendar year in which such election is filed, the employer has eight or more employees in employment subject to this chapter on each of some twenty days, each day being in a different calendar week in that

year, an employer shall be liable for employer contributions based on all wages paid by him since January 1st of that calendar year. Such employer shall cease to be subject to this chapter as of January 1st of any calendar year subsequent to such two calendar years if he has not on each of some twenty days, each day being in a different calendar week in the last completed calendar year, employed eight or more individuals in employment subject to this chapter."

Section 12. Amend Section 227, Title 26 of the 1940 Code of Alabama so as to read as follows:

"Section 227. Duties and powers of the director.—It shall be the duty of the director to administer this chapter; and he shall have power and authority to adopt, amend, or rescind such lawful rules and regulations, to emloy such persons, make such expenditures, require such reports, make such investigations, and take such other action as may be necessary or suitable to that end. The director shall determine his own organization and methods of procedure in accordance with the provisions of this chapter and the industrial relations law. Annually the director shall submit to the governor a summary report covering the administration and operation of this chapter during the preceding fiscal year, and make such recommendations as he deems proper. Whenever the director believes that a change in contribution or benefit rates will become necessary to protect the solvency of the fund, he shall at once inform the governor and the legislature thereof, and make recommendations accordingly. The director shall fully cooperate with the agencies of other states, and shall make every proper effort within his means, to oppose and prevent any action which would in his judgment tend to effect complete or substantial federalization of state unemployment compensation funds or state employment security programs."

Section 13. Amend Section 233, Title 26 of the 1940 Code of Alabama so as to read as follows:

"Section 233. Records and reports.—Every employing unit shall keep true and accurate work records containing such information as is necessary for the administration of this chapter. Such records shall be open to inspection and be subject to being copied by the director or his authorized representatives at any reasonable time and as often as may be necessary. The director, an appeals tribunal, any member of the board of appeals, created by the industrial relations law, or any authorized representative of the director may require from such employer or employing unit such reports covering persons employed by him or it, or employment, wages, hours, unemployment and related matters, as

are necessary to the effective administration of this chapter. Information thus obtained shall be held confidential, except to the extent necessary for the proper presentation of the contest of a claim, and shall not be published or be open to public inspection in any manner revealing the employers' or employing units' identity. Any person violating any provision of this section shall be fined not less than twenty dollars nor more than two hundred dollars or imprisoned for not longer than thirty days, or both. All letters, reports, communications and other matters, written or oral, from employer or employee to each other or to the director or any of his agents, representatives or employees, or to any official or board functioning under this chapter, which shall have been written, sent, delivered or made in connection with the requirements and administration of this chapter, shall be absolutely privileged and shall not be made the subject matter or basis for any suit for slander or libel in any court. The director may cause to be made such summaries, compilations, photographs, duplication, or reproductions of any records, reports or transcripts thereof or cancelled benefit payment checks as he may deem advisable for the effective and economical preservation of the information contained therein, and such summaries, compilations, photographs, duplications or reproductions, duly authenticated, shall be admissible in any proceeding under this chapter if the original record or records would have been admissible therein. The director may provide by regulations for the destruction or disposition, after reasonable periods, of any records, reports, transcripts or reproductions thereof, or other papers in his custody the preservation of which is no longer necessary for the establishment of contribution liability or benefit rights or for any purpose necessary for the proper administration of this chapter, including any required audit thereof."

Section 14. Amend Section 248, Title 26 of the 1940 Code of Alabama so as to read as follows:

"Section 248. Unemployment compensation administration fund.—A. There shall be in the treasury a special fund to be known as the unemployment compensation administration fund. All moneys which are deposited or paid into this fund are hereby appropriated and made available to the director. All moneys in this fund shall be expended solely for the purpose of defraying the cost of the administration of this chapter, and for no other purpose whatsoever. The fund shall consist of all moneys appropriated by this state, and all moneys received from the United States of America, or any agency thereof, including the social security board, the railroad retirement board, or from any other source, for

such purpose. All moneys in this fund shall be deposited, administered, and disbursed, in the same manner and under the same conditions and requirements as is provided by law for other special funds in the treasury. Any balances in this fund shall not lapse at any time, but shall be continuously available to the director for expenditure consistent with this chapter. The treasurer shall give a separate and additional bond conditioned upon the faithful performance of his duties in connection with the unemployment compensation administration fund in an amount to be fixed by the director and in a form prescribed by law or approved by the attorney general. The premiums for such bond of the treasurer and the premiums for the bond given by the treasurer of the unemployment compensation fund under section 198 of this title shall be paid from the moneys in the unemployment compensation administration fund.

"B. All moneys received after June 30, 1941 from the Social Security Board under Title III of the Social Security Act, or any unencumbered balances in the Unemployment Compensation Administration Fund as of that date, or any moneys granted after that date to this state pursuant to the provisions of the Wagner-Peyser Act, or any moneys made available by the state or its political subdivisions and matched by such moneys granted to this state pursuant to the provisions of the Wagner-Peyser Act shall be expended solely for the purposes and in the amounts found necessary by the Social Security Board for the proper and efficient administration of this chapter. If any of such moneys are found by the Social Security Board, because of any action or contingency, to have been lost or been expended for purposes other than or in amounts in excess of those found necessary by the Social Security Board for the proper administration of this act, it is the policy of this state that such moneys shall be replaced by moneys appropriated for such purpose from the general funds of this state to the Unemployment Compensation Administration Fund for expenditure as provided in Subsection A of this section. Upon receipt of such a finding by the Social Security Board, the director shall promptly report the amount required for such replacement to the Governor and the Governor shall at the earliest opportunity, submit to the Legislature a request for the appropriation of such amount. This subsection shall not be construed to relieve this state of its obligation with respect to funds received prior to July 1, 1941, pursuant to the provisions of Title III of the Social Security Act; provided, however; that funds which have been expended by the director or his predecessors in office, in accordance with a budget approved by the Social Security Board, or its successors,

and in accordance with the general standards and limitations promulgated by the Social Security Board or its successors, prior to such expenditure (where proposed expenditures have not been specifically disapproved by the Social Security Board or its successors) shall not be deemed to require replacement."

Section 15. That all of Section 226 of Title 26 of the 1940 Code of Alabama, together with all laws and parts of laws in conflict with any provision or provisions of this Act, to the extent of such conflict, is hereby expressly repealed.

Section 16. If any provision of this Act shall be adjudged invalid, such adjudication shall not affect, impair or invalidate any other provision of this Act.

Section 17. Sections 8, 9 and 10 of this Act shall become effective June 30, 1943, and the remaining sections of this Act shall become immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Mr. Bentley offered the following amendment to the substitute for the bill, to-wit:

Amend Subsection C of Section 204 included in Section 4 of substitute bill for Senate Bill 188

That Section 4 of Substitute Bill for Senate Bill 188 be amended to have Section 204, Subsection C therein read as follows:

"(C) The employer's benefit wages for a given calendar year shall be the total of the benefit wages received from him by all of his employees or former employees who received their second benefit payment of a given benefit year in such calendar year; provided, however, that the employer's benefit wages for the calendar years, or part thereof, prior to July 1, 1943, shall be the total of the benefit wages received from him by all of his employees or former employees who received their first benefit payment of a given benefit payment in such calendar year. The director shall analyze the benefit payments made in and the employee and employer benefit wages for the calendar years 1938, 1939 and 1940, and for each calendar year thereafter, and determine each employer's benefit wages for all such calendar years respectively."

Which was adopted.

Yeas, 30; Nays, 0.

Yeas:

Messrs.:	Black	Cater	Garrett
Benson	Bradford	Cobb	Goodwin
Bentley	Carlton	Espy	Henderson

High	Kilborn	Pinson	Smith	
Hill	Lawson	St. John (Cullman)	Taylor	
Hornsby	Madison	St. John (Lawrence)	Toomer	
Jones	McCary	Shaver	Walton	
Kelly	Newton	Simpson		—30

Nays: —0

And the substitute as thus amended, was then adopted.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:	Espy	Kilborn	St. John (Lawrence)
Benson	Garrett	Lawson	Shaver
Bentley	Goodwin	Madison	Simpson
Black	Henderson	McCary	Smith
Bradford	High	Newton	Taylor
Carlton	Hill	Pinson	Toomer
Cater	Hornsby	St. John (Cullman)	Walton
Cobb	Jones		—29

Nays: —0

And said bill, as thus amended by the substitute, was then read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:	Espy	Kilborn	St. John (Lawrence)
Benson	Garrett	Lawson	Shaver
Bentley	Goodwin	Madison	Sherrer
Black	High	McCary	Simpson
Bradford	Hill	Newton	Taylor
Carlton	Jones	Pinson	Toomer
Cater	Kelly	St. John (Cullman)	Walton
Cobb			—28

Nays: —0

The bill:

S. 316. To amend Section 6 of Title 27, of the Code of Alabama 1940.

Was taken up.

Mr. Taylor offered the following substitute for the bill, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 6 of Title 27, of the Code of Alabama 1940.

Be it Enacted by the Legislature of Alabama:

Section 1. Section 6 of Title 27 of the Code of Alabama 1940 be, and the same, is hereby amended so as to read as follows:

Section 6. Adoption by Stepfather or Stepmother.—Where a man marries the mother of a minor child or children, or a woman marries the father of a minor child or children, and they reside together in one domicile, he or she may petition the probate court of his or her county of residence for leave to adopt such minor child or children and if desired, for a change of the name or names of such minor child or children, but no such adoption shall be permitted without the consent of the natural parent or parents having custody of said child or children. The same procedure shall be followed as in adopting a child other than a stepchild, except that if the report of its findings by the State Department of Public Welfare to the court reveals the fact that the said or children has resided in the home of the step-parent for a period of two years or more, the court within its discretion may immediately enter the final order of adoption which decree of adoption shall not deprive the natural parent, who resides in the same domicile with the petitioner, of any of the legal rights and obligations due from them to the child or from the child to them.

Section 2. All laws and parts of laws in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor.

RESOLUTIONS

The Rules Committee offered the following Senate resolution, to-wit:

S. R. 54. Be it resolved by the Senate that the special orders set by resolution adopted today, supersede and displace all other special orders on the calendar.

Which was adopted.

Yeas, 30; Nays, 0.

Yeas:

Messrs.:	Garrett	Kilborn	Shaver	
Bentley	Goodwin	Lawson	Sherrer	
Black	Henderson	Madison	Simpson	
Bradford	High	McCary	Smith	
Carlton	Hill	Newton	Taylor	
Cater	Hornsby	Pinson	Toomer	
Cobb	Jones	St. John (Cullman)	Walton	
Espy		St. John (Lawrence)		—30
Nays:				—0

And said bill, as thus amended by the substitute, was read a third time at length and passed and ordered sent forthwith to the House, without engrossment.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:	Goodwin	Kilborn	Shaver	
Bentley	Henderson	Lawson	Sherrer	
Black	High	Madison	Simpson	
Bradford	Hill	McCary	Taylor	
Carlton	Hornsby	St. John (Cullman)	Toomer	
Cobb	Jones	St. John (Lawrence)	Walton	
Espy	Kelly			—25
Nays:				—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has adopted the Senate joint resolution:

S. J. R. 52. BE IT RESOLVED BY THE SENATE, the House concurring that when the two houses adjourn today, they adjourn to meet again Tuesday, June 15th, 1943, at 10 A.M.

R. T. Goodwyn, Jr.,
Clerk.

HOUSE MESSAGE

The Senate concurred in and adopted the following House amendment to the resolution, S. J. R. 52, the title of which is set out in the foregoing Message from the House, to-wit:

Amend S. J. R. 52 by striking out from the end thereof the words "at 10 A. M."

ORDER TO PRINT

On motion of Mr. Simpson, 250 copies of the bill: House 66 were ordered printed for the use of the Senate.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Montgomery, Alabama.

Gentlemen:

I am herewith returning to you, the body in which this bill originated, Senate Bill No. 240, without my approval.

I suggest the following Executive Amendment which, if adopted, will remove my objection to said bill:

Amend sub-section (f), of Section 1, of said bill, so as to read as follows:

"(f) Armory drill payments made under authority of this section shall be payable from the fund heretofore appropriated for army drill pay for the fiscal years ending September 30, 1944, and September 30, 1945. The Adjutant General shall furnish to the Director of Finance estimates in advance of each quarter of the fiscal year of cost of armory drill pay under provisions of this section based upon the official tables of organization, and upon the strength and numbers of units, headquarters, and detachments authorized for organization as a part of said temporary military force. Special allotments shall be set up by the Department of Finance against said appropriation to cover the estimated cost of payments to be made under this section."

Respectfully,
CHAUNCEY SPARKS,
Governor.

June 11, 1943.

GOVERNOR'S MESSAGE

On motion of Mr. Walton the Senate has concurred in the amendment proposed by His Excellency, the Governor, which said amendment is set out in the foregoing Message from the Governor, to the bill:

S. 240. To Provide Armory Drill Pay for Members of the Temporary Military Force of the State of Alabama; to Prescribe the Condition under and the Manner in which it shall be paid.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:	Goodwin	Kilborn	Shaver
Bentley	Henderson	Lawson	Sherrer
Black	High	Madison	Simpson
Bradford	Hill	McCary	Smith
Carlton	Hornsby	Newton	Taylor
Cater	Jones	Pinson	Toomer
Cobb	Kelly	St. John (Cullman)	Walton
Espy			

—28

Nays: —0

Which was a majority of the whole number elected to the Senate.

And said bill, S. 240, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:	Goodwin	Kilborn	Shaver
Bentley	Henderson	Lawson	Sherrer
Black	High	Madison	Simpson
Bradford	Hill	McCary	Smith
Carlton	Hornsby	Newton	Taylor
Cater	Jones	Pinson	Toomer
Espy	Kelly	St. John (Cullman)	Walton

—27

Nays: —0

Which was a majority o fthe whole number elected to the Senate.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journals of the Senate for the thirty-eighth and thirty-ninth days and finds same correct and containing all original entries and references thereto required by the Constitution.

Jim Smith, Jr.,
Chairman.

COMMITTEE REPORT

On motion of Mr. Smith, the foregoing report was concurred in and the Journals of the Senate for the thirty-eighth and thirty-ninth days approved by the Senate.

ADJOURNMENT

On motion of Mr. Kilborn, and in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, June 15, 1943, at 10 o'clock A. M.